

Introduced by

1 A BILL for an Act to create and enact three new sections to chapter 37-17.1 of the North Dakota
2 Century Code, relating to the creation of an emergency response and recovery commission and
3 an emergency response and recovery fund; to amend and reenact section 21-10-06 of the
4 North Dakota Century Code, relating to investment of the emergency response and recovery
5 fund; and to provide an appropriation.

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

7 **SECTION 1. AMENDMENT.** Section 21-10-06 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **21-10-06. Funds under management of board - Accounts.**

10 1. The board is charged with the investment of the following funds:

- 11 ~~4.~~ a. State bonding fund.
- 12 ~~2.~~ b. Teachers' fund for retirement.
- 13 ~~3.~~ c. State fire and tornado fund.
- 14 ~~4.~~ d. Workforce safety and insurance fund.
- 15 ~~5.~~ e. National guard tuition trust fund.
- 16 ~~6.~~ f. Public employees retirement system.
- 17 ~~7.~~ g. Insurance regulatory trust fund.
- 18 ~~8.~~ h. State risk management fund.
- 19 ~~9.~~ i. Veterans' cemetery trust fund.
- 20 ~~10.~~ j. Health care trust fund.
- 21 ~~11.~~ k. Cultural endowment fund.
- 22 l. Emergency response and recovery fund.

2. Separate accounting must be maintained for each of the ~~above~~ funds under subsection 1. When it is deemed advantageous, the moneys of the individual funds may be commingled for investment purposes.

3. The state investment board may provide investment services to, and manage the money of, any agency, institution, or political subdivision of the state, subject to agreement with the industrial commission. The scope of services to be provided by the state investment board to the agency, institution, or political subdivision must be specified in a written contract. The state investment board may charge a fee for providing investment services and any revenue collected must be deposited in the state retirement and investment fund.

SECTION 2. A new section to chapter 37-17.1 of the North Dakota Century Code is created and enacted as follows:

Emergency response and recovery commission. The emergency response and recovery commission consists of the governor, a director of the department of human services, a director of a division of state radio, a director of the division of homeland security, and a representative of a political subdivision appointed by the governor. The governor shall serve as chairman of the commission. The commission shall review and approve rules developed by the department of emergency services with respect to the emergency response and recovery fund, approve disbursement of funds from the emergency response and recovery fund, monitor the balance of the emergency response and recovery fund and transfers of funds, and review and approve requests for funding of the emergency response and recovery fund from the legislative assembly and the emergency commission.

SECTION 3. A new section to chapter 37-17.1 of the North Dakota Century Code is created and enacted as follows:

Emergency response and recovery fund - Administration - Continuing appropriation.

1. The emergency response and recovery fund is a special fund in the state treasury administered by the department of emergency management. The state investment board shall invest in the fund in accordance with chapter 21-10. Section 54-44.1-11 does not apply to the fund. The department may deduct annually up to two percent of the earnings of the fund as an administration fee.

- 1 2. The emergency response and recovery commission may use the interest and
2 earnings of the fund to assist individuals, political subdivisions, and Indian tribes in
3 paying the costs of responding to and recovering from a disaster or emergency
4 declared by the governor which did not qualified for a presidential disaster
5 declaration.

6 **SECTION 4.** Section 37-17.1-07.1 of the North Dakota Century Code is created and
7 enacted as follows:

8 **Emergency response and recovery fund - Rules.**

- 9 1. The department of emergency services, subject to approval by the emergency
10 response and recovery commission, shall adopt rules that include the eligibility for
11 and the disbursement of funds from the emergency response and recovery fund.
12 2. The rules must provide that a political subdivision or a tribal government that has
13 entered a mutual aid agreement and executed the agreement may be eligible for
14 assistance from the emergency response and recovery fund to reimburse the
15 political subdivision or tribal government for public infrastructure losses if a political
16 subdivision or tribal government has adopted prior to the emergency or disaster a
17 multi-hazard litigation plan approved by the federal emergency management
18 agency. The political subdivision or tribal government may apply to the department
19 for funding up to ten percent of the amount of damage incurred if the amount of
20 damage exceeds the amount available under the Robert T. Stafford Disaster
21 Emergency Assistance Act [Public Law 93-288, as amended]. The commission
22 may not distribute more than ninety nine thousand nine hundred ninety nine dollars
23 to political subdivisions or tribal governments within any one county for a disaster
24 or emergency.
25 3. The rules must provide that individuals may apply for assistance from the fund for a
26 disaster or emergency if the individual has immediate financial needs for housing,
27 shelter, or sustenance as a result of a disaster or emergency. The amount
28 disbursed to an individual may not exceed five hundred dollars, the amount
29 disbursed to a family of two may not exceed seven hundred dollars, and the
30 amount disbursed to a family larger than two may not exceed seven hundred
31 dollars plus one hundred dollars per addition family member.

1 4. The rules must provide that a fire department, law enforcement agency,
2 emergency medical services operation, or any other public, tribal, or private group
3 that responds to a request for assistance at the scene of a disaster or emergency
4 may apply to the commission for assistance from the fund to pay the cost of
5 reimbursing and other fire department, law enforcement agency, emergency
6 medical services operation, or other responder to a disaster or emergency that is
7 located outside the jurisdiction of the disaster or emergency. The amount of
8 assistance disbursed to an applicant under this subsection may not exceed fifty
9 percent of the total cost incurred in reimbursing the responders from outside the
10 jurisdiction.

11 **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the
12 general fund in the state treasury, not otherwise appropriated, the sum of \$11,000,000, or so
13 much of the sum as may be necessary, to the department of emergency services for deposit in
14 the emergency response and recovery fund for the purpose of emergency and disaster relief
15 and recovery, for the biennium beginning July 1, 2009, and ending June 30, 2011.