

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.