

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2369
(Senators Stenehjem, G. Lee, Wanzek, Robinson)
(Representatives Carlson, D. Johnson)
(Approved by the Delayed Bills Committee)

AN ACT to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund; to provide appropriations to the adjutant general for emergency snow removal grants, flood mitigation, and for state disasters; to provide for a transfer; to provide for a budget section report; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-17.1-27 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-27. State disaster relief fund - Creation - Uses.

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations and emergency commission and budget section approval for providing the required state share of funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund.

SECTION 2. APPROPRIATION - BUDGET SECTION REPORT. Notwithstanding the provisions of section 37-17.1-27, there is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$9,000,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing emergency snow removal grants, for the period beginning with the effective date of this Act and ending June 30, 2011. A county, township, or city may apply to the department of emergency services for an emergency snow removal grant for reimbursement of up to sixty percent of the snow removal costs incurred by the county, township, or city for the period January 2011 through March 2011 that exceeded two hundred percent of the average snow removal cost for these months during the years 2004 through 2008. Each county, township, or city requesting reimbursement under this section shall submit the request in accordance with rules developed by the department of emergency services. The department of emergency services shall distribute the grants prior to June 30, 2011, and shall report to the budget section regarding the grants awarded under this section. The funding provided in this section is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used for purposes as provided for in section 4 of this Act.

SECTION 3. APPROPRIATION - TRANSFER - PERMANENT OIL TAX TRUST FUND - STATE DISASTER RELIEF FUND. There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$22,000,000, which the office of management and budget shall transfer to the state disaster relief fund during the period beginning with the effective date of this Act and ending June 30, 2011.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$22,000,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of defraying expenses only associated with state disasters and flood mitigation efforts as authorized in subsections 1 through 5 for the period beginning with the effective date of this Act and ending June 30, 2013. The funds provided in this section may only be used by the adjutant general, subject to emergency commission and budget section approval, for:

1. State costs relating to flooding that occurs during the spring of 2011 associated with presidential-declared disasters in the state.
2. a. Notwithstanding the provisions of section 37-17.1-27, flood disaster relief or disaster mitigation projects in incorporated cities that:
 - (1) Are in imminent threat of being flooded;
 - (2) Are underserved by adequate flood protection measures; and
 - (3) Are expected to lose land due to flooding for one year or longer.b. The adjutant general may spend funds for purposes as provided for in this subsection only to the extent that federal funds are not available for this flood disaster relief or these disaster mitigation projects as certified by the adjutant general to the office of management and budget.
 - c. Total expenses paid from the state disaster relief fund under this subsection may not exceed \$3,200,000.
3. a. Notwithstanding the provisions of section 37-17.1-27, grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects located on any natural body of water that comprises more than one hundred fifty thousand acres at current water levels and has risen more than twenty-five feet since 1993, subject to the road:
 - (1) Qualifying for federal emergency management agency grade raise matching funds;
 - (2) Having been inundated for six months or more or being expected to become inundated for six months or more after April 1, 2011;
 - (3) Being the only access road to a residence; or
 - (4) Being identified as a primary road in the county strategic road plan.b. The state will pay the state share required to match federal funds on eligible road grade raising projects and:
 - (1) Fifty percent of the local share on eligible county or township roads for a county or township that has lost up to thirty-three percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (2) Seventy-five percent of the local share on eligible county or township roads for a county or township that has lost more than thirty-three percent but less than fifty percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (3) Ninety percent of the local share on eligible county or township roads for a county or township that has lost fifty percent or more of its taxable land within the township where the road is located due to inundated lands since 1993.
4. Grants to political subdivisions for a portion of the local share required to match federal emergency relief funding relating to disasters occurring from January 2011 through June 2011. A political subdivision may apply to the adjutant general for an emergency relief grant under this subsection for up to fifty percent of the local match required to receive the federal emergency relief funding.
5. State expenses associated with presidential-declared disasters in 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 Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2369 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 93 Nays 0 Absent 1

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State