

HOUSE BILL NO. 1073

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact sections 37-17.1-22, 37-17.1-23, and 37-17.1-27 of the
2 North Dakota Century Code, relating to disaster or emergency response and recovery costs,
3 authority to spend funds from the state disaster relief fund, and uses of the state disaster relief
4 fund.

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

6 **SECTION 1. AMENDMENT.** Section 37-17.1-22 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **37-17.1-22. Disaster or emergency response and recovery costs.**

9 Whenever the governor declares a state of disaster or emergency in accordance with
10 section 37-17.1-05, or when the governor enters into an agreement with the federal government
11 following a disaster or emergency declared by the president of the United States, the director of
12 the division of homeland security shall determine and record the costs of the state response
13 and recovery operations in accordance with an agreement with the federal government or in
14 accordance with procedures established by the governor in the case of a state-declared
15 disaster or emergency. Immediately following the response or recovery operations, or prior
16 thereto if determined necessary by the governor, the governor may apply to the state
17 emergency commission for a grant of funds in an amount equal to the response and recovery
18 costs of the state to be paid from the state disaster relief fund or other funds approved by the
19 emergency commission. Notwithstanding other provisions of chapter 54-16, it must be
20 conclusively presumed upon receipt by the emergency commission of the application from the
21 governor that a disaster or emergency exists, and the commission may grant and direct the
22 transfer to the department of the governor designated representative of an amount up to that
23 certified in the application by the governor.

1 **SECTION 2. AMENDMENT.** Section 37-17.1-23 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **37-17.1-23. Disaster or emergency recovery funding - Loan authorization.**

4 1. When approved by the emergency commission, the office of the adjutant general is
5 authorized to borrow from the Bank of North Dakota, to match federal funds under the
6 Robert T. Stafford Disaster Emergency Assistance Act [Public Law 93-288, as
7 amended]. In addition to the principal repayment, the Bank of North Dakota shall
8 receive interest on the loan at a rate equal to other state agency borrowings. On
9 behalf of the state, the office of the adjutant general shall administer the disaster or
10 emergency recovery program according to state procedures based on federal laws or
11 regulations. After a county or group of counties have been declared a major disaster or
12 emergency area by the president, the office of the adjutant general shall submit a
13 request to the emergency commission for:

14 a. Approval to make an application for a loan from the Bank of North Dakota;

15 b. Approval for additional personnel required to perform the anticipated recovery
16 activities; ~~and~~

17 c. Authority to spend additional state and federal funds for the recovery program;
18 and

19 d. Authority to spend available funds from the state disaster relief fund.

20 2. If the request is acceptable, the emergency commission shall approve the request and
21 issue a notice of its action to the office of the adjutant general, Bank of North Dakota,
22 and the office of management and budget. The office of the adjutant general shall
23 keep the emergency commission apprised of the progress of the recovery operation
24 and submit a final report upon completion of the project. The office of the adjutant
25 general is responsible to repay any loan, including accrued interest, from the Bank of
26 North Dakota which is provided under this section. If at the end of the biennium a
27 balance exists on the loan, the office of the adjutant general shall request the
28 legislative assembly for a deficiency appropriation to repay the loan.

29 **SECTION 3. AMENDMENT.** Section 37-17.1-27 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **37-17.1-27. State disaster relief fund - Creation - Uses.**

2 There is created in the state treasury a state disaster relief fund. Moneys in the fund are to
3 be used subject to legislative appropriations for providing the required state share of funding for
4 expenses and administration associated with emergency response operations conducted by the
5 department of emergency services, a declaration of a state of disaster or emergency issued by
6 the governor in accordance with section 37-17.1-05, federal emergency management agency
7 disaster response, recovery, and mitigation grants, and for the purposes of reimbursing costs
8 under section 37-17.1-28. Any interest or other fund earnings must be deposited in the fund.
9 Before any expenditure is made from the fund, the agency authorized to make the expenditure
10 shall provide information on the purpose and payee of the expenditure to the appropriation
11 committees of the house of representatives and senate or to the budget section if the legislative
12 assembly is not in session.