

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2369

That the House recede from its amendments as printed on pages 1222-1225 of the Senate Journal and pages 1398-1401 of the House Journal and that Engrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund;"

Page 1, line 1, replace "department of emergency services" with "adjutant general"

Page 1, line 3, after the semicolon insert "to provide for a budget section report;"

Page 1, after line 4, insert:

**"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."

Page 1, line 5, replace "There" with "Notwithstanding the provisions of section 37-17.1-27, there"

Page 1, line 13, remove "2010 disregarding the year with the highest snow"

Page 1, remove line 14

Page 1, line 15, replace "months" with "2008"

Page 1, line 18, after the period insert "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."

Page 2, line 3, replace "department of emergency services" with "adjutant general"

Page 2, line 4, after "expenses" insert "only"

Page 2, line 4, remove "for"

Page 2, line 4, after "efforts" insert "as authorized in subsections 1 through 5"

Page 2, line 6, after "may" insert "only"

Page 2, line 6, replace "department of emergency services" with "adjutant general, subject to emergency commission and budget section approval,"

Page 2, line 7, remove ", subject to"

Page 2, line 8, replace "emergency commission approval" with "associated with presidential-declared disasters in the state"

Page 2, line 9, after "2." insert "a."

Page 2, line 9, replace "Flood" with "Notwithstanding the provisions of section 37-17.1-27, flood"

Page 2, line 10, replace "a." with "(1)"

Page 2, line 11, replace "b." with "(2)"

Page 2, line 11, after the semicolon insert "and"

Page 2, line 12, replace "c." with "(3)"

Page 2, line 12, replace "; and" with a period

Page 2, replace lines 13 and 14 with:

- "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."

Page 2, line 15, replace "3." with "5."

Page 2, line 15, remove "disasters pursuant to section 37-17.1-27, subject to emergency commission"

Page 2, line 16, replace "approval, not related to flooding that occurs during the spring of 2011" with "expenses associated with presidential-declared disasters in the state"

Re-number accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

#### **Senate Bill No. 2369 - Adjutant General - Conference Committee Action**

This amendment:

- Changes Section 37-17.1-27 relating to the state disaster relief fund to limit use of money in the fund for only the required state share of funding for expenses associated with presidential-declared disasters in the state and to require Emergency Commission and Budget Section approval of the use of money in the fund. The provision included in the House version limiting the use of funds to only match federal funds is removed.
- Provides that the \$9 million for emergency snow removal grant is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used as provided in Section 4 of the bill. The years used to determine average snow removal costs are changed to 2004 through 2008 rather than 2004 through 2010 with the highest and lowest snow removal cost years being disregarded. The conference committee provides that any remaining funds may be used as provided in Section 4 of the bill. The House provided that any remaining funds only be used for the state share of funding to match federal funds for expenses associated with presidential-declared disasters in the state.
- Changes the provisions of funding available for spring 2011 flooding. The amendment states that funding is available for state costs relating to flooding occurring during the spring of 2011 associated with presidential-declared disasters in the state. The House specified that funding is available for the state share of funding required to match federal funds for costs relating to spring 2011 flooding associated with presidential-declared disasters in the state.
- Limits funding available for flood disaster relief or disaster mitigation projects in eligible incorporated cities to \$3.2 million. This is the same as the House version.
- Adds authorization to provide grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects. Road grade raising grants are limited to 50 percent of the local share for political subdivisions that lost up to 33 percent of taxable land due to inundated lands since 1993, 75 percent for political subdivisions that have lost 33 percent but less than 50 percent, and 90 percent for political subdivisions that have lost 50 percent or more. The eligibility requirements are changed from the House version in the definition of a body of water, the requirement for a project to meet all eligibility criteria is changed to permit projects to meet only one of the four eligibility criteria, and the criteria that the road become inundated for six months or more after April 1, 2011, is changed to having been

inundated for six months or more or is expected to become inundated for six months or more after April 1, 2011.

- Adds authorization to provide grants to political subdivisions for up to 50 percent of the local share required to match federal disaster relief funds for disasters occurring from January 2011 through June 2011.
- Changes the provisions of funding available for presidential-declared disasters in the state. The conference committee provides that funding is available for expenses associated with presidential-declared disasters in the state. The House specified that funding is available for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state.
- Requires Emergency Commission and Budget Section approval of disaster relief grants, except emergency snow removal grants. This is the same as the House version.