

AMENDMENTS TO LB390

Introduced by Davis

1 1. Insert the following new section:

2 Sec. 3. Section 81-829.42, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 81-829.42 (1) The Legislature recognizes that, while
5 appropriations are adequate to meet the normal needs, the necessity
6 exists for anticipating and making advance provision to care for
7 the unusual and extraordinary burdens imposed on the state and
8 its political subdivisions by disasters, emergencies, or civil
9 defense emergencies. To meet such situations, it is the intention
10 of the Legislature to confer emergency powers on the Governor,
11 acting through the Adjutant General and the Nebraska Emergency
12 Management Agency, and to vest him or her with adequate power and
13 authority within the limitation of available funds appropriated to
14 the Governor's Emergency Program to meet any disaster, emergency,
15 or civil defense emergency.

16 (2) There is hereby established the Governor's Emergency
17 Program. Funds appropriated to the program shall be expended, upon
18 direction of the Governor, for any state of emergency. The state
19 of emergency proclamation shall set forth the emergency and shall
20 state that it requires the expenditure of public funds to furnish
21 immediate aid and relief. The Adjutant General shall administer the
22 funds appropriated to the program.

23 (3) It is the intent of the Legislature that the first

1 recourse shall be to funds regularly appropriated to state and
2 local agencies. If the Governor finds that the demands placed
3 upon these funds are unreasonably great, he or she may make funds
4 available from the Governor's Emergency Program. Expenditures may
5 be made upon the direction of the Governor for any or all emergency
6 management functions or to meet the intent of the state emergency
7 operations plans as outlined in section 81-829.41. Expenditures may
8 also be made to state and federal agencies to meet the matching
9 requirement of any applicable assistance programs.

10 (4) Assistance shall be provided from the funds
11 appropriated to the Governor's Emergency Program to political
12 subdivisions of this state which have suffered from a disaster,
13 emergency, or civil defense emergency to such an extent as to
14 impose a severe financial burden exceeding the ordinary capacity of
15 the subdivision affected. Applications for aid under this section
16 shall be made to the Nebraska Emergency Management Agency on such
17 forms as shall be prescribed and furnished by the agency. The
18 forms shall require the furnishing of sufficient information to
19 determine eligibility for aid and the extent of the financial
20 burden incurred. The agency may call upon other agencies of the
21 state in evaluating such applications. The Adjutant General shall
22 review each application for aid under this section and recommend
23 its approval or disapproval, in whole or in part, to the Governor.
24 If the Governor approves, he or she shall determine and certify
25 to the Adjutant General the amount of aid to be furnished. The
26 Adjutant General shall thereupon issue his or her voucher to the
27 Director of Administrative Services who shall issue his or her

1 warrants therefor to the applicant.

2 (5) When a state of emergency has been proclaimed by the
3 Governor, the Adjutant General, upon order of the Governor, shall
4 have authority to expend funds for purposes including, but not
5 limited to:

6 (a) The purposes of the Emergency Management Act,
7 including emergency management functions and the responsibilities
8 of the Governor as outlined in the act;

9 (b) Employing for the duration of the state of emergency
10 additional personnel and contracting or otherwise procuring all
11 necessary appliances, supplies, and equipment;

12 (c) Performing services for and furnishing materials and
13 supplies to state government agencies and local governments with
14 respect to performance of any duties enjoined by law upon such
15 agencies and local governments which they are unable to perform
16 because of extreme climatic phenomena and receiving reimbursement
17 in whole or in part from such agencies and local governments
18 able to pay therefor under such terms and conditions as may be
19 agreed upon by the Adjutant General and any such agency or local
20 government;

21 (d) Performing services for and furnishing materials
22 to any individual in connection with alleviating hardship and
23 distress growing out of extreme climatic phenomena and receiving
24 reimbursement in whole or in part from such individual under such
25 terms as may be agreed upon by the Adjutant General and such
26 individual;

27 (e) Opening up, repairing, and restoring roads and

1 highways;

2 (f) Repairing and restoring bridges;

3 (g) Furnishing transportation for supplies to alleviate
4 suffering and distress;

5 (h) Restoring means of communication;

6 (i) Furnishing medical services and supplies to prevent
7 the spread of disease and epidemics;

8 (j) Quelling riots and civil disturbances;

9 (k) Training individuals or governmental agencies for
10 the purpose of perfecting the performance of emergency management
11 duties as provided in the Nebraska emergency operations plans;

12 (l) Procurement and storage of special emergency supplies
13 or equipment, determined by the Adjutant General to be required
14 to provide rapid response by state government to assist local
15 governments in impending or actual disasters, emergencies, or civil
16 defense emergencies;

17 (m) Clearing or removing debris and wreckage which may
18 threaten public health or safety from publicly owned or privately
19 owned land or water; and

20 (n) Such other measures as are customarily necessary to
21 furnish adequate relief in cases of disaster, emergency, or civil
22 defense emergency.

23 (6) If aerial fire suppression or hazardous material
24 response is immediately required, the Adjutant General may make
25 expenditures of up to ~~ten~~ twenty-five thousand dollars per event
26 without a state of emergency proclamation issued by the Governor.

27 (7) The Governor may receive such voluntary contributions

1 as may be made from any nonfederal source to aid in carrying out
2 the purposes of this section and shall credit the same to the
3 Governor's Emergency Cash Fund.

4 (8) All obligations and expenses incurred by the Governor
5 in the exercise of the powers and duties vested in the Governor by
6 this section shall be paid by the State Treasurer out of available
7 funds appropriated to the Governor's Emergency Program, and the
8 Director of Administrative Services shall draw his or her warrants
9 upon the State Treasurer for the payment of such sum, or so much
10 thereof as may be required, upon receipt by him or her of proper
11 vouchers duly approved by the Adjutant General.

12 (9) This section shall be liberally construed in order
13 to accomplish the purposes of the Emergency Management Act and
14 to permit the Governor to adequately cope with any disaster,
15 emergency, or civil defense emergency which may arise, and the
16 powers vested in the Governor by this section shall be construed as
17 being in addition to all other powers presently vested in him or
18 her and not in derogation of any existing powers.

19 (10) Such funds as may be made available by the
20 government of the United States for the purpose of alleviating
21 distress from disasters, emergencies, and civil defense emergencies
22 may be accepted by the State Treasurer and shall be credited to a
23 separate and distinct fund unless otherwise specifically provided
24 in the act of Congress making such funds available or as otherwise
25 allowed and provided by state law.

26 2. Renumber the remaining sections and correct the
27 repealer accordingly.