

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 55

Introduced by Scheer, 19.

Read first time January 08, 2015

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Emergency Management Act; to amend
- 2 section 81-829.42, Reissue Revised Statutes of Nebraska; to provide
- 3 authority to the Adjutant General to make emergency expenditures as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-829.42, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-829.42 (1) The Legislature recognizes that, while appropriations
4 are adequate to meet the normal needs, the necessity exists for
5 anticipating and making advance provision to care for the unusual and
6 extraordinary burdens imposed on the state and its political subdivisions
7 by disasters, emergencies, or civil defense emergencies. To meet such
8 situations, it is the intention of the Legislature to confer emergency
9 powers on the Governor, acting through the Adjutant General and the
10 Nebraska Emergency Management Agency, and to vest him or her with
11 adequate power and authority within the limitation of available funds
12 appropriated to the Governor's Emergency Program to meet any disaster,
13 emergency, or civil defense emergency.

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

21 (3) It is the intent of the Legislature that the first recourse
22 shall be to funds regularly appropriated to state and local agencies. If
23 the Governor finds that the demands placed upon these funds are
24 unreasonably great, he or she may make funds available from the
25 Governor's Emergency Program. Expenditures may be made upon the direction
26 of the Governor for any or all emergency management functions or to meet
27 the intent of the state emergency operations plans as outlined in section
28 81-829.41. Expenditures may also be made to state and federal agencies to
29 meet the matching requirement of any applicable assistance programs.

30 (4) Assistance shall be provided from the funds appropriated to the
31 Governor's Emergency Program to political subdivisions of this state

1 which have suffered from a disaster, emergency, or civil defense
2 emergency to such an extent as to impose a severe financial burden
3 exceeding the ordinary capacity of the subdivision affected. Applications
4 for aid under this section shall be made to the Nebraska Emergency
5 Management Agency on such forms as shall be prescribed and furnished by
6 the agency. The forms shall require the furnishing of sufficient
7 information to determine eligibility for aid and the extent of the
8 financial burden incurred. The agency may call upon other agencies of the
9 state in evaluating such applications. The Adjutant General shall review
10 each application for aid under this section and recommend its approval or
11 disapproval, in whole or in part, to the Governor. If the Governor
12 approves, he or she shall determine and certify to the Adjutant General
13 the amount of aid to be furnished. The Adjutant General shall thereupon
14 issue his or her voucher to the Director of Administrative Services who
15 shall issue his or her warrants therefor to the applicant.

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

19 (a) The purposes of the Emergency Management Act, including
20 emergency management functions and the responsibilities of the Governor
21 as outlined in the act;

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

25 (c) Performing services for and furnishing materials and supplies to
26 state government agencies and local governments with respect to
27 performance of any duties enjoined by law upon such agencies and local
28 governments which they are unable to perform because of extreme climatic
29 phenomena and receiving reimbursement in whole or in part from such
30 agencies and local governments able to pay therefor under such terms and
31 conditions as may be agreed upon by the Adjutant General and any such

1 agency or local government;

2 (d) Performing services for and furnishing materials to any
3 individual in connection with alleviating hardship and distress growing
4 out of extreme climatic phenomena and receiving reimbursement in whole or
5 in part from such individual under such terms as may be agreed upon by
6 the Adjutant General and such individual;

7 (e) Opening up, repairing, and restoring roads and highways;

8 (f) Repairing and restoring bridges;

9 (g) Furnishing transportation for supplies to alleviate suffering
10 and distress;

11 (h) Restoring means of communication;

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

14 (j) Quelling riots and civil disturbances;

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

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

22 (m) Clearing or removing debris and wreckage which may threaten
23 public health or safety from publicly owned or privately owned land or
24 water; and

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

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

1 (7) The Governor may receive such voluntary contributions as may be
2 made from any nonfederal source to aid in carrying out the purposes of
3 this section and shall credit the same to the Governor's Emergency Cash
4 Fund.

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

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

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

25 Sec. 2. Original section 81-829.42, Reissue Revised Statutes of
26 Nebraska, is repealed.