

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 604

Introduced by Bloomfield, 17.

Read first time January 21, 2015

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Governor's Emergency Program; to amend
- 2 section 81-829.42, Reissue Revised Statutes of Nebraska; to allow
- 3 the Adjutant General to reimburse political subdivisions 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)(a) Assistance shall be provided from the funds appropriated to
31 the 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 (b) When all necessary supporting documentation has been submitted
17 as a request for aid by a political subdivision for which either state or
18 federal funds have been obligated and an application has already been
19 approved, the Adjutant General or his or her representative may reimburse
20 a political subdivision for expended funds for projects completed by such
21 political subdivision. The Adjutant General or his or her representative
22 may provide such reimbursements for a completed project before all
23 projects are complete within the political subdivision.

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

27 (a) The purposes of the Emergency Management Act, including
28 emergency management functions and the responsibilities of the Governor
29 as outlined in the act;

30 (b) Employing for the duration of the state of emergency additional
31 personnel and contracting or otherwise procuring all necessary

1 appliances, supplies, and equipment;

2 (c) Performing services for and furnishing materials and supplies to
3 state government agencies and local governments with respect to
4 performance of any duties enjoined by law upon such agencies and local
5 governments which they are unable to perform because of extreme climatic
6 phenomena and receiving reimbursement in whole or in part from such
7 agencies and local governments able to pay therefor under such terms and
8 conditions as may be agreed upon by the Adjutant General and any such
9 agency or local government;

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

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

16 (f) Repairing and restoring bridges;

17 (g) Furnishing transportation for supplies to alleviate suffering
18 and distress;

19 (h) Restoring means of communication;

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

22 (j) Quelling riots and civil disturbances;

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

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

30 (m) Clearing or removing debris and wreckage which may threaten
31 public health or safety from publicly owned or privately owned land or

1 water; and

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

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

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

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

20 (9) This section shall be liberally construed in order to accomplish
21 the purposes of the Emergency Management Act and to permit the Governor
22 to adequately cope with any disaster, emergency, or civil defense
23 emergency which may arise, and the powers vested in the Governor by this
24 section shall be construed as being in addition to all other powers
25 presently vested in him or her and not in derogation of any existing
26 powers.

27 (10) Such funds as may be made available by the government of the
28 United States for the purpose of alleviating distress from disasters,
29 emergencies, and civil defense emergencies may be accepted by the State
30 Treasurer and shall be credited to a separate and distinct fund unless
31 otherwise specifically provided in the act of Congress making such funds

1 available or as otherwise allowed and provided by state law.

2 Sec. 2. Original section 81-829.42, Reissue Revised Statutes of

3 Nebraska, is repealed.