

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 284**

Introduced by Cavanaugh, M., 6.

Read first time January 12, 2021

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, Revised Statutes Cumulative Supplement, 2020; to  
3 provide requirements regarding federal funds; and to repeal the  
4 original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-829.42, Revised Statutes Cumulative  
2 Supplement, 2020, 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 the Governor ~~him or her~~  
11 with adequate power and authority within the limitation of available  
12 funds appropriated to the Governor's Emergency Program to meet any  
13 disaster, 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 response to a disaster or emergency is immediately required,  
29 the Adjutant General may make expenditures of up to twenty-five thousand  
30 dollars per event without a state of emergency proclamation issued by the  
31 Governor. Such expenditures shall be used for the purposes as provided in

1 subsection (5) of this section.

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

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

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

21 (10)(a) ~~(10)~~ Such funds as may be made available by the government  
22 of the United States for the purpose of alleviating distress from  
23 disasters, emergencies, and civil defense emergencies may be accepted by  
24 the State Treasurer and shall be credited to a separate and distinct fund  
25 unless otherwise specifically provided in the act of Congress making such  
26 funds available or as otherwise allowed and provided by state law. Any  
27 expansion of federal programs during a declared emergency shall be  
28 implemented for the duration of the declaration. Application for federal  
29 relief funds shall be made for the maximum allowed by federal law.

30 (b) If such federal funds are made available, the Legislature shall  
31 appropriate the funds from the state treasury to the Governor's Emergency

1 Program or such other agency or program as appropriate to address the  
2 emergency. If the appropriation is required after the first ten  
3 legislative days of a regular legislative session, a legislative bill  
4 shall be introduced to provide for such appropriation. If the Legislature  
5 is not in session, the federal funds shall not be expended until an  
6 appropriation is passed by the Legislature.

7 (11) It is the intent of the Legislature that the four million  
8 dollars saved due to the elimination of funding for the Angel Investment  
9 Tax Credit Act be used to increase the appropriation to the Military  
10 Department for the Governor's Emergency Program by four million dollars  
11 for fiscal year 2020-21.

12 Sec. 2. Original section 81-829.42, Revised Statutes Cumulative  
13 Supplement, 2020, is repealed.