

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 945

Introduced by Davis, 43; Avery, 28; Scheer, 19; Wallman, 30.
Read first time January 16, 2014
Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Governor's Emergency Program; to amend
2 section 81-829.42, Revised Statutes Cumulative
3 Supplement, 2012; to provide additional procedures for
4 aid for political subdivisions; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-829.42, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

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

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

22 (3) It is the intent of the Legislature that the first
23 recourse shall be to funds regularly appropriated to state and local
24 agencies. If the Governor finds that the demands placed upon these
25 funds are unreasonably great, he or she may make funds available from

1 the Governor's Emergency Program. Expenditures may be made upon the
2 direction of the Governor for any or all emergency management
3 functions or to meet the intent of the state emergency operations
4 plans as outlined in section 81-829.41. Expenditures may also be made
5 to state and federal agencies to meet the matching requirement of any
6 applicable assistance programs.

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

25 (b) If a political subdivision submits documentation in

1 support of a previously approved application for aid, the Adjutant
2 General or his or her representative shall acknowledge receipt of
3 such supporting documentation within thirty calendar days after
4 receipt of such supporting documentation and notify the political
5 subdivision what, if any, additional supporting documentation is
6 necessary to complete the political subdivision's request for aid.

7 (c) Upon receipt of all necessary supporting
8 documentation submitted as a request for aid by a political
9 subdivision for which either state or federal funds have been
10 obligated and an application already has been approved, such aid
11 shall be remitted to the political subdivision not less than sixty
12 days after acknowledging receipt of all necessary supporting
13 documentation.

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

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

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

24 (c) Performing services for and furnishing materials and
25 supplies to state government agencies and local governments with

1 respect to performance of any duties enjoined by law upon such
2 agencies and local governments which they are unable to perform
3 because of extreme climatic phenomena and receiving reimbursement in
4 whole or in part from such agencies and local governments able to pay
5 therefor under such terms and conditions as may be agreed upon by the
6 Adjutant General and any such agency or local government;

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

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

14 (f) Repairing and restoring bridges;

15 (g) Furnishing transportation for supplies to alleviate
16 suffering and distress;

17 (h) Restoring means of communication;

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

20 (j) Quelling riots and civil disturbances;

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

24 (l) Procurement and storage of special emergency supplies
25 or equipment, determined by the Adjutant General to be required to

1 provide rapid response by state government to assist local
2 governments in impending or actual disasters, emergencies, or civil
3 defense emergencies;

4 (m) Clearing or removing debris and wreckage which may
5 threaten public health or safety from publicly owned or privately
6 owned land or water; and

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

10 (6) If aerial fire suppression or hazardous material
11 response is immediately required, the Adjutant General may make
12 expenditures of up to ten thousand dollars per event without a state
13 of emergency proclamation issued by the Governor.

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

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

1 (9) This section shall be liberally construed in order to
2 accomplish the purposes of the Emergency Management Act and to permit
3 the Governor to adequately cope with any disaster, emergency, or
4 civil defense emergency which may arise, and the powers vested in the
5 Governor by this section shall be construed as being in addition to
6 all other powers presently vested in him or her and not in derogation
7 of any existing powers.

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

15 Sec. 2. Original section 81-829.42, Revised Statutes
16 Cumulative Supplement, 2012, is repealed.