A BILL FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.42, Reissue Revised Statutes of Nebraska; to provide authority to the Adjutant General to make emergency expenditures as prescribed; and to repeal the original section.

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

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

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

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

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

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

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

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

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

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

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

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

(f) Repairing and restoring bridges;

(g) Furnishing transportation for supplies to alleviate suffering and
distress;
(h) Restoring means of communication;
(i) Furnishing medical services and supplies to prevent the spread of
disease and epidemics;
(j) Quelling riots and civil disturbances;
(k) Training individuals or governmental agencies for the purpose of
perfecting the performance of emergency management duties as provided in the
Nebraska emergency operations plans;
(l) Procurement and storage of special emergency supplies or equipment,
determined by the Adjutant General to be required to provide rapid response by
state government to assist local governments in impending or actual disasters,
emergencies, or civil defense emergencies;
(m) Clearing or removing debris and wreckage which may threaten public
health or safety from publicly owned or privately owned land or water; and
(n) Such other measures as are customarily necessary to furnish adequate
relief in cases of disaster, emergency, or civil defense emergency.

(6) If aerial fire suppression or hazardous material response to a
disaster or emergency is immediately required, the Adjutant General may make
expenditures of up to twenty-five thousand dollars per event without a state of
emergency proclamation issued by the Governor. Such expenditures shall be used
for the purposes as provided in subsection (5) of this section.

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

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

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

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

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