

AMENDMENTS TO LB334

(Amendments to E & R amendments, ER72)

Introduced by Linehan, 39.

1           1. Insert the following new section:

2           Sec. 7. Section 81-829.42, Revised Statutes Cumulative Supplement,  
3   2018, is amended to read:

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

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

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

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

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

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

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

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

31 (c) Performing services for and furnishing materials and supplies to

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

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

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

14 (f) Repairing and restoring bridges;

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

17 (h) Restoring means of communication;

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

20 (j) Quelling riots and civil disturbances;

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

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

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

31 (n) Such other measures as are customarily necessary to furnish

1 adequate relief in cases of disaster, emergency, or civil defense  
2 emergency.

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

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

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

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

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

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

6           2. On page 11, line 31, strike "2020-21" and insert "2021-22".

7           3. On page 13, line 11, after "50-1209," insert "81-829.42,".

8           4. Renumber the remaining sections accordingly.