

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2369

Introduced by

Senators Stenehjem, G. Lee, Wanzek, Robinson

Representatives Carlson, D. Johnson

( Approved by the Delayed Bills Committee)

1 A BILL for an Act to amend and reenact section 37-17.1-27 of the North Dakota Century Code,  
2 relating to the state disaster relief fund; to provide appropriations to the ~~department of-~~  
3 ~~emergency services~~ adjutant general for emergency snow removal grants, flood mitigation, and  
4 for state disasters; to provide for a transfer; to provide for a budget section report; and to  
5 declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 37-17.1-27 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **37-17.1-27. State disaster relief fund - Creation - Uses.**

10 There is created in the state treasury a state disaster relief fund. Moneys in the fund are to  
11 be used subject to legislative appropriations and emergency commission and budget section  
12 approval for providing the required state share of funding ~~for defraying the expenses of state-~~  
13 ~~disasters, including providing funds required~~ to match federal funds for expenses associated  
14 with presidential-declared disasters in the state. Any interest or other fund earnings must be  
15 deposited in the fund.

16 **SECTION 2. APPROPRIATION - BUDGET SECTION REPORT.** ~~There~~ Notwithstanding the  
17 provisions of section 37-17.1-27, there is appropriated out of any moneys in the state disaster  
18 relief fund in the state treasury, not otherwise appropriated, the sum of \$9,000,000, or so much  
19 of the sum as may be necessary, to the adjutant general for the purpose of providing  
20 emergency snow removal grants, for the period beginning with the effective date of this Act and  
21 ending June 30, 2011. A county, township, or city may apply to the department of emergency  
22 services for an emergency snow removal grant for reimbursement of up to sixty percent of the  
23 snow removal costs incurred by the county, township, or city for the period January 2011  
24 through March 2011 that exceeded two hundred percent of the average snow removal cost for

1 these months during the years 2004 through ~~2010~~ ~~disregarding the year with the highest snow-~~  
2 ~~removal cost for these months and the year with the lowest snow removal cost for these~~  
3 ~~months~~ 2008. Each county, township, or city requesting reimbursement under this section shall  
4 submit the request in accordance with rules developed by the department of emergency  
5 services. The department of emergency services shall distribute the grants prior to June 30,  
6 2011, and shall report to the budget section regarding the grants awarded under this section.  
7 The funding provided in this section is to be considered one-time funding and any unspent  
8 funds are not available for future snow removal assistance, but may be used only for the state  
9 share of funding required to match federal funds for expenses associated with  
10 presidential-declared disasters in the state.

11 **SECTION 3. APPROPRIATION - TRANSFER - PERMANENT OIL TAX TRUST FUND -**  
12 **STATE DISASTER RELIEF FUND.** There is appropriated out of any moneys in the permanent  
13 oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$22,000,000,  
14 which the office of management and budget shall transfer to the state disaster relief fund during  
15 the period beginning with the effective date of this Act and ending June 30, 2011.

16 **SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the state  
17 disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$22,000,000, or  
18 so much of the sum as may be necessary, to the ~~department of emergency services~~ adjutant  
19 general for the purpose of defraying expenses only associated with state disasters and ~~for~~ flood  
20 mitigation efforts as authorized in subsections 1 through 4 for the period beginning with the  
21 effective date of this Act and ending June 30, 2013. The funds provided in this section may only  
22 be used by the ~~department of emergency services~~ adjutant general, subject to emergency  
23 commission and budget section approval, for:

- 24 1. State share of funding required to match federal funds for costs relating to flooding  
25 that occurs during the spring of 2011, ~~subject to emergency commission approval~~  
26 associated with presidential-declared disasters in the state.
- 27 2. a. ~~Flood~~ Notwithstanding the provisions of section 37-17.1-27, flood disaster relief or  
28 disaster mitigation projects in incorporated cities that:
  - 29 a. (1) Are in imminent threat of being flooded;
  - 30 b. (2) Are underserved by adequate flood protection measures; and
  - 31 c. (3) Are expected to lose land due to flooding for one year or longer; ~~and.~~

1 ~~\_\_\_\_\_ d. Are ineligible, as determined by the adjutant general, for other program funds that~~  
2 ~~can be made available based on timeline or project availability.~~

3 b. The adjutant general may spend funds for purposes as provided for in this  
4 subsection only to the extent that federal funds are not available for this flood  
5 disaster relief or these disaster mitigation projects as certified by the adjutant  
6 general to the office of management and budget.

7 c. Total expenses paid from the state disaster relief fund under this subsection may  
8 not exceed \$3,200,000.

9 3. a. Notwithstanding the provisions of section 37-17.1-27, grants to political  
10 subdivisions for a portion of the local share required to match federal funds on  
11 road grade raising projects located on any natural body of water without a natural  
12 outlet that comprises more than one hundred fifty thousand acres at current  
13 water levels and has risen more than twenty-five feet since 1993, subject to the  
14 road:

15 (1) Qualifying for federal emergency management agency grade raise matching  
16 funds;

17 (2) Being expected to become inundated for six months or more after April 1,  
18 2011;

19 (3) Being the only access road to a residence; and

20 (4) Being identified as a primary road in the county strategic road plan.

21 b. The state will pay the state share required to match federal funds on eligible road  
22 grade raising projects and:

23 (1) Fifty percent of the local share on eligible county or township roads for a  
24 county or township that has lost up to thirty-three percent of its taxable land  
25 within the township where the road is located due to inundated lands since  
26 1993.

27 (2) Seventy-five percent of the local share on eligible county or township roads  
28 for a county or township that has lost more than thirty-three percent but less  
29 than fifty percent of its taxable land within the township where the road is  
30 located due to inundated lands since 1993.

1 (3) Ninety percent of the local share on eligible county or township roads for a  
2 county or township that has lost fifty percent or more of its taxable land  
3 within the township where the road is located due to inundated lands since  
4 1993.

5 ~~3.4. State disasters pursuant to section 37-17.1-27, subject to emergency commission~~  
6 ~~approval, not related to flooding that occurs during the spring of 2011~~share of funding  
7 required to match federal funds for expenses associated with presidential-declared  
8 disasters in the state.

9 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.