

**FIRST ENGROSSMENT
with House Amendments
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 adjutant general for
3 emergency snow removal grants, flood mitigation, and for state disasters; to provide for a
4 transfer; to provide for a budget section report; and to declare an emergency.

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

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

8 **37-17.1-27. State disaster relief fund - Creation - Uses.**

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

15 **SECTION 2. APPROPRIATION - BUDGET SECTION REPORT.** Notwithstanding the
16 provisions of section 37-17.1-27, there is appropriated out of any moneys in the state disaster
17 relief fund in the state treasury, not otherwise appropriated, the sum of \$9,000,000, or so much
18 of the sum as may be necessary, to the adjutant general for the purpose of providing
19 emergency snow removal grants, for the period beginning with the effective date of this Act and
20 ending June 30, 2011. A county, township, or city may apply to the department of emergency
21 services for an emergency snow removal grant for reimbursement of up to sixty percent of the
22 snow removal costs incurred by the county, township, or city for the period January 2011
23 through March 2011 that exceeded two hundred percent of the average snow removal cost for
24 these months during the years 2004 through 2008. Each county, township, or city requesting

1 reimbursement under this section shall submit the request in accordance with rules developed
2 by the department of emergency services. The department of emergency services shall
3 distribute the grants prior to June 30, 2011, and shall report to the budget section regarding the
4 grants awarded under this section. The funding provided in this section is to be considered
5 one-time funding and any unspent funds are not available for future snow removal assistance,
6 but may be used only for the state share of funding required to match federal funds for
7 expenses associated with presidential-declared disasters in the state.

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

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

- 20 1. State share of funding required to match federal funds for costs relating to flooding
21 that occurs during the spring of 2011 associated with presidential-declared disasters in
22 the state.
- 23 2. a. Notwithstanding the provisions of section 37-17.1-27, flood disaster relief or
24 disaster mitigation projects in incorporated cities that:
- 25 (1) Are in imminent threat of being flooded;
- 26 (2) Are underserved by adequate flood protection measures; and
- 27 (3) Are expected to lose land due to flooding for one year or longer.
- 28 b. The adjutant general may spend funds for purposes as provided for in this
29 subsection only to the extent that federal funds are not available for this flood
30 disaster relief or these disaster mitigation projects as certified by the adjutant
31 general to the office of management and budget.

- 1 c. Total expenses paid from the state disaster relief fund under this subsection may
2 not exceed \$3,200,000.
- 3 3. a. Notwithstanding the provisions of section 37-17.1-27, grants to political
4 subdivisions for a portion of the local share required to match federal funds on
5 road grade raising projects located on any natural body of water without a natural
6 outlet that comprises more than one hundred fifty thousand acres at current
7 water levels and has risen more than twenty-five feet since 1993, subject to the
8 road:
- 9 (1) Qualifying for federal emergency management agency grade raise matching
10 funds;
- 11 (2) Being expected to become inundated for six months or more after April 1,
12 2011;
- 13 (3) Being the only access road to a residence; and
- 14 (4) Being identified as a primary road in the county strategic road plan.
- 15 b. The state will pay the state share required to match federal funds on eligible road
16 grade raising projects and:
- 17 (1) Fifty percent of the local share on eligible county or township roads for a
18 county or township that has lost up to thirty-three percent of its taxable land
19 within the township where the road is located due to inundated lands since
20 1993.
- 21 (2) Seventy-five percent of the local share on eligible county or township roads
22 for a county or township that has lost more than thirty-three percent but less
23 than fifty percent of its taxable land within the township where the road is
24 located due to inundated lands since 1993.
- 25 (3) Ninety percent of the local share on eligible county or township roads for a
26 county or township that has lost fifty percent or more of its taxable land
27 within the township where the road is located due to inundated lands since
28 1993.
- 29 4. State share of funding required to match federal funds for expenses associated with
30 presidential-declared disasters in the state.

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