

**HOUSE BILL NO. 1107**

Introduced by

Appropriations Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact section 37-17.1-22 of the North Dakota Century Code,  
2 relating to disaster and emergency response and recovery costs; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 37-17.1-22 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **37-17.1-22. (~~Effective through June 30, 2017~~) Disaster or emergency response and**  
7 **recovery costs.**

8 1. Whenever the governor declares a state of disaster or emergency in accordance with  
9 section 37-17.1-05, or when the governor enters into an agreement with the federal  
10 government following a disaster or emergency declared by the president of the United  
11 States, the director of the division of homeland security shall determine and record the  
12 costs of the state and local response and recovery operations in accordance with an  
13 agreement with the federal government, in accordance with procedures established by  
14 the governor in the case of a state-declared disaster or emergency, and in accordance  
15 with procedures established by the state emergency response plan. If

16 2. When the event has met the Stafford Act minimum for a presidential disaster  
17 declaration and for which the request is denied, the governor shall make application to  
18 the state emergency commission for a grant of funds in an amount equal to the  
19 response and recovery costs of the state and fifty percent of the public infrastructure  
20 recovery costs above statutorily maintained emergency funds for counties that  
21 exceeds twice the individual county federal declaration eligibility threshold, limited to a  
22 maximum amount available per disaster of one million dollars and a maximum amount  
23 available per biennium of three million dollars.

1       3. Immediately following the response or recovery operations, or prior thereto if  
2       determined necessary by the governor, the governor shall make application to the  
3       state emergency commission for a grant of funds in an amount equal to the response  
4       and recovery costs of the state and when presidentially declared and federal  
5       reimbursements available, the estimated state cost-share for eligible local jurisdiction  
6       response, recovery, and mitigation costs. Notwithstanding other provisions of chapter  
7       54-16, it must be conclusively presumed upon receipt by the emergency commission  
8       of such application from the governor that a disaster or emergency exists, and the  
9       commission immediately shall grant and direct the transfer to the department of the  
10      governor's designated representative of an amount equal to that certified in such  
11      application by the governor.

12      ~~**(Effective after June 30, 2017) Disaster or emergency response and recovery costs.**~~

13      ~~Whenever the governor declares a state of disaster or emergency in accordance with~~  
14      ~~section 37-17.1-05, or when the governor enters into an agreement with the federal government~~  
15      ~~following a disaster or emergency declared by the president of the United States, the director of~~  
16      ~~the division of homeland security shall determine and record the costs of the state response~~  
17      ~~and recovery operations in accordance with an agreement with the federal government or in~~  
18      ~~accordance with procedures established by the governor in the case of a state declared~~  
19      ~~disaster or emergency. Immediately following the response or recovery operations, or prior~~  
20      ~~thereto if determined necessary by the governor, the governor shall make application to the~~  
21      ~~state emergency commission for a grant of funds in an amount equal to the response and~~  
22      ~~recovery costs of the state. Notwithstanding other provisions of chapter 54-16, it must be~~  
23      ~~conclusively presumed upon receipt by the emergency commission of such application from the~~  
24      ~~governor that a disaster or emergency exists, and the commission immediately shall grant and~~  
25      ~~direct the transfer to the department of the governors designated representative of an amount~~  
26      ~~equal to that certified in such application by the governor.~~

27      **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.