

AMENDMENTS TO LB790

(Amendments to E&R amendments, ER178)

Introduced by Crawford, 45.

1 1. Insert the following new section:

2 Sec. 5. Section 81-829.42, Revised Statutes Supplement, 2019, is
3 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) Paid sick and family leave for any private or public employee

1 who is unable to work due to being diagnosed with an infectious disease,
2 due to being quarantined or secluded for suspected infectious disease, or
3 due to caring for a family member diagnosed with an infectious disease or
4 quarantined or secluded for suspected infectious disease. For purposes of
5 this subdivision, family member means (i) a biological, adopted, or
6 foster child, a stepchild, or a legal ward of an employee or the
7 employee's spouse or a person to whom the employee or the employee's
8 spouse stood in loco parentis when such person was a minor child,
9 regardless of the age or dependency status of such child, stepchild,
10 legal ward, or person, (ii) a biological, adoptive, or foster parent, a
11 stepparent, or a legal guardian of an employee or the employee's spouse
12 or a person who stood in loco parentis to the employee or the employee's
13 spouse when the employee or the employee's spouse was a minor child,
14 (iii) an employee's spouse, or (iv) a grandparent, grandchild, or sibling
15 of the employee or the employee's spouse, whether such relationship is a
16 biological, adoptive, foster, or step relationship; and

17 (o) ~~(n)~~ Such other measures as are customarily necessary to furnish
18 adequate relief in cases of disaster, emergency, or civil defense
19 emergency.

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

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

29 (8) All obligations and expenses incurred by the Governor in the
30 exercise of the powers and duties vested in the Governor by this section
31 shall be paid by the State Treasurer out of available funds appropriated

1 to the Governor's Emergency Program, and the Director of Administrative
2 Services shall draw his or her warrants upon the State Treasurer for the
3 payment of such sum, or so much thereof as may be required, upon receipt
4 by him or her of proper vouchers duly approved by the Adjutant General.

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

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

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

23 2. Renumber the remaining sections and correct the repealer
24 accordingly.