

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 413

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1
2 RELATING TO DISASTERS AND THE MILITARY DIVISION; AMENDING SECTION 46-1005A,
3 IDAHO CODE, TO AUTHORIZE THE ISSUANCE OF DEFICIENCY WARRANTS FOR THE
4 PURPOSE OF MEETING OBLIGATIONS AND EXPENSES IN RESPONDING TO A DECLARED
5 STATE OF EMERGENCY.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 46-1005A, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 46-1005A. ~~DISASTER EMERGENCY ACCOUNT~~ DEFICIENCY WARRANTS FOR REIM-
10 BURSEMENT OF DISASTER COSTS. (1) ~~There is hereby created and established in~~
11 ~~the state treasury a separate account to be known as the disaster emergency~~
12 ~~account which account shall be administered by the governor or his designee.~~
13 ~~The account shall only be used to pay obligations and expenses incurred by~~
14 ~~the state of Idaho during a declared state of disaster emergency.~~

15 (2) ~~In order to pay said obligations and expenses in coping with a de-~~
16 ~~clared state of disaster emergency the governor shall expend state money as~~
17 ~~follows:~~

18 (a) ~~The governor shall use any moneys available in the disaster emer-~~
19 ~~gency account.~~

20 (b) ~~In the event the disaster emergency account is inadequate to~~
21 ~~satisfy said obligations and expenses, the governor is empowered to di-~~
22 ~~rect, by executive order, the state controller to transfer moneys from~~
23 ~~the general account, created pursuant to section 67-1205, Idaho Code,~~
24 ~~to the disaster emergency account, provided that in the governor's~~
25 ~~judgment sufficient general account moneys will be available to support~~
26 ~~the full general account appropriations for the current fiscal year.~~

27 (c) ~~In addition to any purpose for which they have previously been~~
28 ~~created, all funds excluding constitutionally created funds, or funds~~
29 ~~limited in their application by the constitution of the state of Idaho,~~
30 ~~are hereby expressly declared to be appropriated for the purpose of~~
31 ~~effectuating the purposes of this act. If the moneys made available~~
32 ~~in paragraphs (a) and (b) above are inadequate to meet the above men-~~
33 ~~tioned obligations and expenses, the governor is empowered to direct~~
34 ~~the state controller, by executive order, to transfer to the disaster~~
35 ~~emergency account moneys from any eligible account in order to pay said~~
36 ~~obligations and expenses; provided, that in the governor's judgment,~~
37 ~~the moneys transferred are not required to support the current year's~~
38 ~~appropriation of the affected accounts.~~

39 (d) ~~In the event that restitution is made to the state from nonstate~~
40 ~~sources to reimburse the state for costs incurred in responding to a~~
41 ~~state of disaster emergency, the governor may use funds from the resti-~~

1 ~~tution to reimburse accounts from which funds were drawn to pay for the~~
2 ~~state's response to the emergency.~~

3 ~~(3) In addition to any other purpose for which they might have been ap-~~
4 ~~propriated, all moneys made available by this act to be used in the event of~~
5 ~~a disaster emergency are hereby perpetually appropriated for the purpose set~~
6 ~~forth in this section according to the limitations established by this sec-~~
7 ~~tion and the constitution of the state of Idaho. In no event may the revenues~~
8 ~~made available by section 46-1005A(2) (b) and (c), Idaho Code, for any and~~
9 ~~all emergency purposes exceed, during any fiscal year, one percent (1%) of~~
10 ~~the annual appropriation of general account moneys for that fiscal year The~~
11 ~~board of examiners may authorize the issuance of deficiency warrants not to~~
12 ~~exceed five million dollars (\$5,000,000) per fiscal year for the purpose of~~
13 ~~meeting obligations and expenses in responding to a declared state of emer-~~
14 ~~gency.~~

15 (2) Upon authorization by the board of examiners, the state controller
16 shall draw deficiency warrants in the authorized amounts against the general
17 fund.

18 (3) Nothing contained in this section shall be construed to change or
19 impair any right of recovery or subrogation arising under any other provi-
20 sions of law.

21 (4) In the event that restitution for costs incurred in responding to a
22 declared state of emergency is made to the state from nonstate sources, such
23 funds shall be used to reimburse the general fund.