

IN THE SENATE

SENATE BILL NO. 1031

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE DISASTER EMERGENCY ACCOUNT; AMENDING SECTION
46-1005A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISASTER EMER-
GENCY ACCOUNT AND TO PROVIDE SEVERABILITY; AND DECLARING AN EMERGENCY.

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

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

46-1005A. DISASTER EMERGENCY ACCOUNT. (1) There is hereby created and
established in the state treasury a separate account to be known as the dis-
aster emergency account, which account shall be administered by the governor
or his designee. The account shall only be used to pay obligations and ex-
penses incurred by the state of Idaho ~~during~~ arising out of a declared state
of disaster emergency.

(2) In order to pay said obligations and expenses ~~in coping with~~ arising
out of a declared state of disaster emergency the governor shall expend state
money as follows:

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

(b) In the event the disaster emergency account is inadequate to
satisfy said obligations and expenses, the governor is empowered to di-
rect, by executive order, the state controller to transfer moneys from
the general ~~account~~ fund, created pursuant to section 67-1205, Idaho
Code, to the disaster emergency account, provided that in the gover-
nor's judgment sufficient general ~~account~~ fund moneys will be available
to support the full general ~~account~~ fund appropriations for the current
fiscal year.

(c) In addition to any purpose for which they have previously been cre-
ated, all funds, excluding constitutionally created funds, or funds
limited in their application by the constitution of the state of Idaho,
are hereby expressly declared to be appropriated for the purpose of
effectuating the purposes of this act. If the moneys made available in
paragraphs (a) and (b) ~~above~~ of this subsection are inadequate to meet
~~the above mentioned~~ such obligations and expenses, the governor is em-
powered to direct the state controller, by executive order, to transfer
to the disaster emergency account moneys from any eligible account in
order to pay said obligations and expenses; provided, that in the gover-
nor's judgment, the moneys transferred are not required to support the
current year's appropriation of the affected accounts.

(d) In the event that restitution is made to the state from nonstate
sources to reimburse the state for costs incurred in responding to a
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 subsection 46-1005A (2) (b) and (c), Idaho Code, of this
9 section for any and all emergency purposes exceed, during any fiscal year,
10 one percent (1%) of the annual appropriation of general account fund moneys
11 for that fiscal year unless the legislature, by concurrent resolution, ap-
12 proves an exceedance, and the governor must abide by the terms of such con-
13 current resolution.

14 (4) The provisions of this section are hereby declared to be severable.
15 If any provision of this section or the application of such provision to any
16 person or circumstance is declared invalid for any reason, such declaration
17 shall not affect the validity of the remaining portions of this section.

18 SECTION 2. An emergency existing therefor, which emergency is hereby
19 declared to exist, this act shall be in full force and effect on and after its
20 passage and approval.