

**HOUSE BILL NO. 1079**

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact subdivision c of subsection 3 of section 12.1-31.2-02,  
2 subsection 1 of section 20.1-06-07, sections 37-17.1-02.1 and 37-17.1-06, subsections 1 and 4  
3 of section 37-17.1-07, subsections 1, 2, and 5 of section 37-17.1-07.1, subsections 2 and 3 of  
4 section 37-17.1-11, sections 37-17.1-14, 37-17.1-14.1, 37-17.1-15, and 37-17.1-22,  
5 subsection 3 of section 37-17.1-28, section 37-17.3-01, subsection 1 of section 37-17.3-02.2,  
6 section 37-17.3-08, subdivision c of subsection 2 of section 39-01-01, sections 39-03-13.2 and  
7 54-12-22, subsection 2 of section 54-12-32, subsection 1 of section 57-40.6-12, subsection 3 of  
8 section 61-16.2-03, and section 65-06-01 of the North Dakota Century Code, relating to the  
9 renaming of divisions within the department of emergency services.

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

11 **SECTION 1. AMENDMENT.** Subdivision c of subsection 3 of section 12.1-31.2-02 of the  
12 North Dakota Century Code is amended and reenacted as follows:

13 c. Once the bureau, after consultation with the director of the state radioemergency  
14 communications center, determines and implements a method to enter the order  
15 into the national crime information center database provided by the federal  
16 bureau of investigation, or its successor agency, the bureau shall enter the order  
17 electronically in the national crime information center database provided by the  
18 federal bureau of investigation, or its successor agency. This electronic entry will  
19 fulfill the law enforcement agency's requirement to enter the order in the national  
20 crime information center database provided by the federal bureau of  
21 investigation, or its successor agency, but will not fulfill its requirement to  
22 maintain and respond to inquiries regarding the order in the national crime  
23 information center database provided by the federal bureau of investigation, or its  
24 successor agency.

1       **SECTION 2. AMENDMENT.** Subsection 1 of section 20.1-06-07 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3       1. A person may erect, have, or maintain on the ice in any waters of this state a  
4 fishhouse, used or to be used while ice fishing, or a dark house, used or to be used for  
5 spearfishing. Fishhouse and dark house owners are subject to the rules the director  
6 may adopt governing the construction, maintenance, and use of these units. The  
7 outside of each unoccupied unit must have inscribed on it, in readily distinguishable  
8 characters at least three inches [7.62 centimeters] high, the registration number issued  
9 by the department for the fishhouse, or the owner's name and address or telephone  
10 number. An unoccupied fishhouse or dark house left on the ice without a registration  
11 number, or an owner's name and address or telephone number may be removed or  
12 destroyed by the department. The department may not issue a fishhouse registration  
13 number, unless the division of the state radioemergency communications center has  
14 integrated game and fish department license information into the national law  
15 enforcement telecommunications system. Any person who violates this subsection is  
16 guilty of a class 2 noncriminal offense.

17       **SECTION 3. AMENDMENT.** Section 37-17.1-02.1 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19       **37-17.1-02.1. Department of emergency services.**

20       The department of emergency services consists of a division of the state radioemergency  
21 communications center, and a division of homeland security and emergency management. The  
22 adjutant general is the director of the department. The adjutant general shall provide for shared  
23 administration of both divisions. The adjutant general shall appoint a separate director of each  
24 division. A division director serves at the pleasure of the adjutant general. The adjutant general  
25 shall fix the compensation of a division director within limits of legislative appropriation.

26       **SECTION 4. AMENDMENT.** Section 37-17.1-06 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28       **37-17.1-06. State division of homeland security and emergency management.**

29       1. The division of homeland security and emergency management must have  
30 professional, technical, secretarial, and clerical employees as necessary for the  
31 performance of its functions. The director of the division shall fix the compensation of

1 the staff in conformity with state merit system regulations and may make such  
2 expenditures within the appropriations therefor, or from other funds made available to  
3 the director for purposes of emergency management, as may be necessary to carry  
4 out the purposes of this chapter.

5 2. The division of homeland security and emergency management shall prepare and  
6 maintain a state disaster plan and keep it current, which plan may include provisions  
7 for:

- 8 a. Averting or minimizing the injury and damage caused by disasters or  
9 emergencies.
- 10 b. Prompt and effective response to a disaster or emergency.
- 11 c. Emergency relief.
- 12 d. Identification of areas particularly vulnerable to a disaster or emergency.
- 13 e. Recommendations for zoning, building, and other land use controls, safety  
14 measures for securing mobile homes or other nonpermanent or semipermanent  
15 structures, and other mitigation and preparedness measures.
- 16 f. Assistance to local officials in developing and maintaining local and regional  
17 emergency management systems.
- 18 g. Authorization and procedures for the erection or other construction of temporary  
19 works designed to protect against or mitigate danger, damage, or loss from any  
20 disaster or emergency.
- 21 h. Preparation and distribution of emergency management assistance program  
22 guidance to the appropriate state and local officials.
- 23 i. Organization of manpower and chains of command.
- 24 j. Coordination of federal, state, regional, and local emergency management  
25 activities.
- 26 k. Coordination of state disaster or emergency operations plans with the disaster or  
27 emergency plans of the federal government.
- 28 l. Other necessary matters.

29 3. The division of homeland security and emergency management shall provide technical  
30 assistance for the development and revision of local and regional disaster or  
31 emergency operations plans prepared under section 37-17.1-07.

- 1           4. In preparing and revising state disaster or emergency plans, the division of homeland  
2           security and emergency management shall seek the advice and assistance of local  
3           government, business, labor, industry, agriculture, civic, and volunteer organizations  
4           and community leaders. In advising local and regional emergency management  
5           organizations, the division shall encourage them also to seek advice from these  
6           sources.
- 7           5. State disaster or emergency plans or any parts thereof have the force of law upon  
8           implementation by the governor.
- 9           6. The division of homeland security and emergency management, in coordination with  
10          lead and support agencies, shall:
- 11          a. Coordinate the procurement of supplies, materials, and equipment during  
12          disaster or emergency operations.
- 13          b. Provide guidance and standards for local and regional disaster or emergency  
14          operational plans.
- 15          c. Periodically review local and regional disaster or emergency operational plans.
- 16          d. Coordinate state or state and federal assistance to local and regional emergency  
17          management organizations.
- 18          e. Establish and operate or assist local and regional emergency management  
19          organizations to establish and operate training programs and programs for  
20          emergency public information.
- 21          f. Make surveys of industries, resources, and facilities, within the state, both public  
22          and private, as are necessary to carry out the purposes of this chapter. The use  
23          of sensitive and proprietary logistical data submitted to the state in confidence by  
24          individual industries and suppliers must be accorded full confidentiality and will  
25          be released only in aggregate form.
- 26          g. Plan and make arrangements for the availability and use of any private facilities,  
27          services, and property, and, if necessary and if in fact used, coordinate payment  
28          for that use under terms and conditions agreed upon.
- 29          h. Establish access to a register of persons with types of training and skills  
30          important in prevention, mitigation, preparedness, response, and recovery.

- 1           i.   Establish access to a register of equipment and facilities available for use in a  
2           disaster or emergency.
- 3           j.   Prepare, for issuance by the governor, executive orders, proclamations, and  
4           guidance as necessary or appropriate in managing a disaster or emergency.
- 5           k.   Coordinate and may enter agreements with the federal government and any  
6           public or private agency or entity in achieving any purpose of this chapter and in  
7           implementing programs for disaster mitigation, preparation, response, and  
8           recovery.
- 9           l.   Be the state search and rescue coordinating agency, establish access to a  
10          register of search and rescue equipment and personnel in the state, and plan for  
11          its effective utilization.
- 12          m.   Do other things necessary, incidental, or appropriate for the implementation of  
13          this chapter.
- 14         7.   The division of homeland security and emergency management shall serve as a  
15          central information dissemination point and repository for initial notification information  
16          for spills and discharges in the state for hazardous chemicals as defined in section  
17          37-17.1-07.1, oil, gas, and saltwater. The division shall develop processes to ensure  
18          proper state and federal agencies that have oversight responsibilities are promptly  
19          notified. The division shall also provide notice to local emergency management  
20          officials within a time that is consistent with the level of emergency.

21         **SECTION 5. AMENDMENT.** Subsection 1 of section 37-17.1-07 of the North Dakota  
22         Century Code is amended and reenacted as follows:

- 23           1.   All areas of the state are within the jurisdiction of and must be served by the division of  
24           homeland security and emergency management or by a local or multicounty  
25           emergency management organization.

26         **SECTION 6. AMENDMENT.** Subsection 4 of section 37-17.1-07 of the North Dakota  
27         Century Code is amended and reenacted as follows:

- 28           4.   The mayor of or the president of the board of city commissioners in a city with an  
29           emergency management organization and the chairman of the board of county  
30           commissioners shall notify the division of homeland security and emergency  
31           management of the manner in which the city and the county are providing or securing

1 emergency management activities, identify each individual who will coordinate the  
2 activities of the local emergency management organization, and furnish additional  
3 information relating thereto as the division requires.

4 **SECTION 7. AMENDMENT.** Subsection 1 of section 37-17.1-07.1 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 1. Program components.

7 a. The governor shall appoint members of the state emergency response  
8 commission to carry out the commission's responsibilities as outlined in Public  
9 Law 99-499, 42 U.S.C. 11001, et seq., also referred to as SARA title III, and the  
10 responsibilities of the commission members as outlined in the North Dakota  
11 emergency operations plan.

12 b. In conjunction with the state emergency response commission, the local  
13 emergency planning committees, as appointed by the boards of county  
14 commissioners, and the local emergency management organizations shall  
15 coordinate the development and maintenance of a state hazardous chemicals  
16 preparedness and response program.

17 c. The director of the division of homeland security and emergency management  
18 shall serve as the chairman of the state emergency response commission. In the  
19 absence of the chairman, the designated vice chairman shall serve as chairman.  
20 The state emergency response commission by vote will select the vice chairman  
21 to fulfill a two-year term. The chairman shall recognize the assignment of  
22 representatives to the commission who are designated through a delegation of  
23 authority by a member. The chairman shall designate a commission secretary,  
24 solely for the purpose of documenting and distributing clerical proceedings, from  
25 the staff of the division of homeland security and emergency management.

26 d. For the purpose of complying with the reporting requirements set forth in  
27 sections 302, 304, 311, 312, and 313 of Public Law 99-499, 42 U.S.C. 11001,  
28 et seq., also referred to as SARA title III, the owner and operator of any facility, as  
29 defined in SARA title III, shall submit those reports to the North Dakota division of  
30 homeland security and emergency management as required by SARA title III,  
31 which shall establish and maintain the state repository for these reports.

- 1 e. For purposes of monitoring, determining if emergency response may be required,  
2 and notifying local officials, owners and operators or responsible parties shall  
3 report all spills or discharges to the appropriate state agency as required by law.  
4 The report must include the name of the reporting party, including phone number  
5 and address; date; time of release; location of release; containment status; name  
6 of the chemical, if waterways are involved; and immediate potential threat. If the  
7 release occurs or travels offsite from a facility, the owner and operator or  
8 responsible party shall notify the surface owner within a reasonable time. State  
9 agencies that receive direct reports of spills or discharges shall provide the report  
10 information to the division within a time that is consistent with potential level of  
11 response needed.

12 **SECTION 8. AMENDMENT.** Subsection 2 of section 37-17.1-07.1 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14 2. Establishment of funds.

- 15 a. There is created in the state treasury a nonlapsing restricted account to be  
16 known as a state hazardous chemicals preparedness and response fund. The  
17 fund consists of revenue collected from the state hazardous chemical fee system  
18 and funds appropriated by the legislative assembly. Moneys in the fund shall be  
19 appropriated biennially to the division of homeland security and emergency  
20 management for carrying out the purposes, goals, and objectives of SARA title III,  
21 and the state hazardous chemicals preparedness and response program.
- 22 b. The county treasurer of each county shall establish a nonlapsing restricted  
23 account, to be known as the county hazardous chemicals preparedness and  
24 response account. The county hazardous chemicals preparedness and response  
25 account consists of revenue from the state hazardous chemicals fee system,  
26 county, federal or state funds, grants, and any private donations provided to  
27 finance the county hazardous chemicals preparedness and response program.
- 28 c. Each owner and operator of a facility, as defined in SARA title III, shall pay an  
29 annual hazardous chemicals fee to the division of homeland security and  
30 emergency management by March first of each year. The fee is twenty-five  
31 dollars for each chemical within the meaning of title 40, Code of Federal

1 Regulations, part 355.20, or its successor which is required under section 312 of  
2 SARA title III, to be listed on the hazardous chemical inventory form (tier II) which  
3 the owner or operator must submit to the division. The federal requirements must  
4 be used for completing the tier II form, including the threshold amounts, as  
5 outlined in title 40, Code of Federal Regulations, part 20. The maximum fee for a  
6 facility under this section is four hundred seventy-five dollars. The director of the  
7 homeland security and emergency management division may impose fees for  
8 both late filing of reports and late payment of fees. A late fee must equal the  
9 amount of the hazardous chemicals fee owed under this subdivision. After six  
10 months the director shall process further violations under willful violations in  
11 subsection 4. The division of homeland security and emergency management  
12 shall transfer to the county hazardous chemicals preparedness and response  
13 account one-half of the regular fees collected from the state's hazardous  
14 chemicals fee system.

- 15 d. The owners or operators of family farm enterprises that are not engaged in the  
16 retail or wholesale of hazardous chemicals and facilities owned by the state or  
17 local governments are exempt from the fee under subdivision c. For purposes of  
18 this section, the terms "family farm" and "farmer" have the same meaning as set  
19 forth in section 6-09.11-01.
- 20 e. The state and county governments are authorized to accept and may deposit  
21 grants, gifts, and federal funds into the hazardous chemicals preparedness and  
22 response fund and accounts for the purpose of carrying out the hazardous  
23 chemicals preparedness and response programs to include training, exercising,  
24 equipment, response, and salaries, and local emergency planning committee  
25 member stipends not to exceed thirty percent of state per diem per meeting  
26 attended. In lieu of stipends the committee chairman may provide a meal or  
27 refreshments other than alcoholic beverages.
- 28 f. "Hazardous chemical" means as defined in title 40, Code of Federal Regulations,  
29 part 355.20 and title 29, Code of Federal Regulations, part 1910.1200.
- 30 g. The state hazardous chemicals fee system does not supersede a city fee system  
31 for hazardous chemicals.



1           **SECTION 9. AMENDMENT.** Subsection 5 of section 37-17.1-07.1 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           5. If the director of the division of homeland security and emergency management  
4 determines that a violation of this chapter has occurred, the director shall make all  
5 evidence available to the attorney general for use in any remedial action the attorney  
6 general's office determines appropriate, including injunctive relief. Nothing in this  
7 section may be construed to deny use of the remedies authorized under chapter  
8 32-40.

9           **SECTION 10. AMENDMENT.** Subsection 2 of section 37-17.1-11 of the North Dakota  
10 Century Code is amended and reenacted as follows:

11           2. The water commission and department of water resources, in conjunction with the  
12 division of homeland security and emergency management, shall keep land uses and  
13 construction of structures and other facilities under continuing study and identify areas  
14 that are particularly susceptible to severe land shifting, subsidence, flood, or other  
15 catastrophic occurrence. The studies under this subsection must concentrate on  
16 means of reducing or avoiding the dangers caused by severe land shifting,  
17 subsidence, flood, or other catastrophic occurrence, or the consequences of severe  
18 land shifting, subsidence, flood, or other catastrophic occurrence.

19           **SECTION 11. AMENDMENT.** Subsection 3 of section 37-17.1-11 of the North Dakota  
20 Century Code is amended and reenacted as follows:

21           3. If the division of homeland security and emergency management determines, in  
22 coordination with lead and support agencies, on the basis of the studies or other  
23 competent evidence, that an area is susceptible to a disaster of catastrophic  
24 proportions without adequate warning; existing building standards and land use  
25 controls in that area are inadequate and could add substantially to the magnitude of  
26 the disaster or emergency; and changes in zoning regulations, other land use  
27 regulations, or building requirements are needed in order to further the purposes of  
28 this section, it shall specify the essential changes to the governor. If the governor,  
29 upon review of the determination, finds after public hearing, that the changes are  
30 essential, the governor shall so recommend to the agencies or local governments with  
31 jurisdiction over that area and subject matter. If no action or insufficient action

1           pursuant to the governor's recommendations is taken within the time specified by the  
2           governor, the governor shall so inform the legislative assembly and request legislative  
3           action appropriate to mitigate the impact of the disaster or emergency.

4           **SECTION 12. AMENDMENT.** Section 37-17.1-14 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **37-17.1-14. Mutual aid.**

- 7           1. Counties and cities must be encouraged and assisted by the division of homeland  
8           security and emergency management to conclude suitable arrangements for  
9           furnishing mutual aid in emergency management. The arrangements must include  
10          provision of aid by persons and units in public employ.
- 11          2. In review of local disaster or emergency plans, the division of homeland security and  
12          emergency management shall consider whether they contain adequate provisions for  
13          the rendering and receipt of mutual aid.

14          **SECTION 13. AMENDMENT.** Section 37-17.1-14.1 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16          **37-17.1-14.1. Mutual aid - Cooperation.**

- 17          1. The division of homeland security and emergency management shall encourage and  
18          assist political subdivisions to enter mutual aid agreements with other public and  
19          private agencies within the state for reciprocal aid and assistance in responding to and  
20          recovering from actual and potential disasters or emergencies.
- 21          2. In reviewing emergency operations plans and programs of political subdivisions, the  
22          division of homeland security and emergency management shall consider whether the  
23          plans and programs contain adequate provisions for mutual aid.
- 24          3. Local emergency management organizations may assist in negotiation of mutual aid  
25          agreements between the governor and an adjoining state or province or a political  
26          subdivision of a province and shall carry out arrangements of any such agreements  
27          relating to the local political subdivision.

28          **SECTION 14. AMENDMENT.** Section 37-17.1-15 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1           **37-17.1-15. Weather modification.**

2           The division of homeland security and emergency management shall keep continuously  
3 apprised of weather conditions which present danger of precipitation or other climatic activity  
4 severe enough to constitute a disaster. If the division determines that precipitation resulting from  
5 weather modification operations, either by itself or in conjunction with other precipitation or  
6 climatic conditions or activity, would create or contribute to the severity of a disaster, the division  
7 shall direct the officer or agency empowered to issue permits for weather modification  
8 operations to suspend the issuance of the permits. No permits may be issued until the division  
9 informs the officer or agency that the danger has passed.

10           **SECTION 15. AMENDMENT.** Section 37-17.1-22 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12           **37-17.1-22. 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 and emergency management shall determine and record the  
17 costs of the state response and recovery operations in accordance with an agreement with the  
18 federal government or in accordance with procedures established by the governor in the case of  
19 a state-declared disaster or emergency. Immediately following the response or recovery  
20 operations, or prior thereto if determined necessary by the governor, the governor may apply to  
21 the 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 the application from the  
24 governor that a disaster or emergency exists, and the commission may grant and direct the  
25 transfer to the department of the governor designated representative of an amount up to that  
26 certified in the application by the governor.

27           **SECTION 16. AMENDMENT.** Subsection 3 of section 37-17.1-28 of the North Dakota  
28 Century Code is amended and reenacted as follows:

29           3. Upon authorization by the governor and approval of costs by the director of the  
30           division of homeland security and emergency management, expenses incurred in

1 meeting a contingency or emergency arising from a wide area search and rescue  
2 operation may be reimbursed under section 37-17.1-22 or 37-17.1-27.

3 **SECTION 17. AMENDMENT.** Section 37-17.3-01 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **37-17.3-01. Definitions.**

6 As used in this chapter, unless the context otherwise requires:

- 7 1. "Director" means the director of the division of the state radioemergency  
8 communications center.
- 9 2. "Division" means the division of the state radioemergency communications center of  
10 the department of emergency services.
- 11 3. "Mobile radio" means a radio capable of transmitting eleven watts or greater.
- 12 4. "System" means the state radio broadcasting system consisting of the state radio  
13 network and North Dakota telecommunications system that may be employed to  
14 enhance interoperable communications that promotes officer and citizen safety.

15 **SECTION 18. AMENDMENT.** Subsection 1 of section 37-17.3-02.2 of the North Dakota  
16 Century Code is amended and reenacted as follows:

- 17 1. The statewide interoperability executive committee consists of:
- 18 a. The director of the state radioemergency communications center or a designee;
- 19 b. The director of the division of homeland security and emergency management or  
20 a designee;
- 21 c. The superintendent of the highway patrol or a designee;
- 22 d. The adjutant general or a designee;
- 23 e. The director of the department of transportation or a designee;
- 24 f. A representative of the North Dakota sheriff's and deputies association;
- 25 g. A representative of the North Dakota emergency managers association;
- 26 h. A representative of the North Dakota fire chiefs association;
- 27 i. A representative of the North Dakota emergency medical services association;
- 28 j. A representative of the North Dakota police chiefs association;
- 29 k. A representative of the North Dakota peace officers association;
- 30 l. A representative of the North Dakota 911 association;
- 31 m. A representative of the North Dakota association of counties;

- 1 n. A representative of the North Dakota league of cities;
- 2 o. The North Dakota chief information officer or a designee;
- 3 p. The North Dakota Indian affairs commission executive director or a designee;
- 4 q. One member of the North Dakota house of representatives and one member of
- 5 the North Dakota senate appointed by the legislative management;
- 6 r. The director of the game and fish department or a designee; and
- 7 s. The state health officer or a designee.

8 **SECTION 19. AMENDMENT.** Section 37-17.3-08 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **37-17.3-08. State radioemergency communications center system and service fees.**

- 11 1. The director shall establish the appropriate fees for access to the state  
12 radioemergency communications center system and North Dakota law enforcement  
13 telecommunications systems and other such systems that may be employed that  
14 enhance public safety. Changes to fees charged by the division, including schedule of  
15 charges for counties and cities, will take effect on July first. The director shall  
16 announce any fee increases a minimum of one year before the effective date. When  
17 the director considers an adjustment, as a part of the process the director shall consult  
18 with representatives of state and local units of government before setting fees. The  
19 director may consider economic conditions and the general economy when setting  
20 fees. The director shall deposit all revenue obtained under this chapter with the state  
21 treasurer for deposit in the state radioemergency communications center broadcasting  
22 system operating account. The state radioemergency communications center  
23 broadcasting system operating account must be expended pursuant to legislative  
24 appropriation for the operation and maintenance of the system.
- 25 2. Each county and city law enforcement department that accesses the North Dakota  
26 teletype system shall pay a fee levied on a per terminal basis. Other law enforcement  
27 affiliated organizations and federal agencies will pay one hundred percent of the actual  
28 costs incurred by the division for providing the service. Fees will be levied on a per  
29 terminal basis. State general fund agencies that access the system will not incur any  
30 fees for the service. City and county law enforcement fees will be based on the  
31 following schedule of charges per terminal:

- 1 a. County population of less than five thousand shall pay forty dollars per month.
- 2 b. County population of five thousand or more but less than ten thousand shall pay
- 3 eighty dollars per month.
- 4 c. County population of ten thousand or more but less than fifteen thousand shall
- 5 pay one hundred twenty dollars per month.
- 6 d. County population of fifteen thousand or more but less than twenty-five thousand
- 7 shall pay one hundred sixty dollars per month.
- 8 e. County population of twenty-five thousand or more shall pay two hundred dollars
- 9 per month.

10 **SECTION 20. AMENDMENT.** Subdivision c of subsection 2 of section 39-01-01 of the North  
11 Dakota Century Code is amended and reenacted as follows:

- 12 c. "Class C" authorized emergency vehicles means:
  - 13 (1) Vehicles used by the state division of homeland security and emergency
  - 14 management or local division of emergency management organizations.
  - 15 (2) Vehicles used by volunteer firefighters while performing their assigned
  - 16 disaster and emergency responsibilities.
  - 17 (3) Vehicles, other than ambulances, used by emergency medical services
  - 18 personnel.
  - 19 (4) Vehicles used by volunteer search and rescue personnel if performing an
  - 20 emergency operation or duty upon the request of a state entity, political
  - 21 subdivision, or volunteer fire department. A volunteer organization may
  - 22 classify a personal vehicle as a class C emergency vehicle if needed to
  - 23 assist in a search and rescue operation in accordance with this paragraph.
  - 24 As used in this paragraph, "search and rescue" means deployment,
  - 25 coordination, and use of available resources and personnel in locating,
  - 26 relieving the distress, and preserving the life of and removing an individual
  - 27 who is missing, trapped, or lost in the backcountry, remote areas, or waters
  - 28 of the state. The term includes water and dive rescue.

29 **SECTION 21. AMENDMENT.** Section 39-03-13.2 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **39-03-13.2. Silver alert notice system.**

2       The superintendent, in cooperation with the bureau of criminal investigation and the division  
3 of the state radioemergency communications center of the department of emergency services,  
4 shall establish a silver alert notice system to activate an urgent bulletin using the emergency  
5 alert system to air a description of a disabled adult or vulnerable elderly adult as defined in  
6 section 12.1-31-07 or a minor who has a developmental disability as defined in section  
7 25-01.2-01, who has been reported to law enforcement as missing and to aid in the location of  
8 that individual.

9       **SECTION 22. AMENDMENT.** Section 54-12-22 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11       **54-12-22. Accessibility of sexual offender and crimes against children registration**  
12 **information.**

13       The attorney general shall provide to a law enforcement dispatch center access to  
14 registration information on individuals required to register under section 12.1-32-15 through any  
15 feasible electronic means that includes direct access to a computerized registration information  
16 database. The attorney general shall provide the information in a form that is referenced by  
17 driver's license number or number plate characters. The department of transportation shall  
18 provide the necessary information to the attorney general in any feasible form requested by the  
19 attorney general. The attorney general may require the cooperation of the state radioemergency  
20 communications center broadcasting system to provide the access required by this section.

21       **SECTION 23. AMENDMENT.** Subsection 2 of section 54-12-32 of the North Dakota  
22 Century Code is amended and reenacted as follows:

23       2. The bureau of criminal investigation, in cooperation with the highway patrol and the  
24 division of the state radioemergency communications center of the department of  
25 emergency services, shall prepare an operational plan to prepare for and respond to  
26 requests for activation of a blue alert notice.

27       **SECTION 24. AMENDMENT.** Subsection 1 of section 57-40.6-12 of the North Dakota  
28 Century Code is amended and reenacted as follows:

29       1. The governing body of a city or county, which adopted a fee on assessed  
30 communications services under this chapter, shall make a report of the income,  
31 expenditures, and status of its emergency services communication system. The report

1 must be submitted to the emergency services communications coordinating committee  
2 in the format requested by the committee. The committee is composed of four  
3 members, one appointed by the North Dakota 911 association, one appointed by the  
4 North Dakota association of counties, one appointed by the chief information officer of  
5 the state, and one appointed by the adjutant general to represent the division of the  
6 state radioemergency communications center.

7 **SECTION 25. AMENDMENT.** Subsection 3 of section 61-16.2-03 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 3. Assist communities and districts in their floodplain management activities within the  
10 limits of available appropriations and personnel in cooperation with the division of  
11 homeland security and emergency management.

12 **SECTION 26. AMENDMENT.** Section 65-06-01 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **65-06-01. Volunteer firefighter, emergency or disaster volunteer, community**  
15 **emergency response team member, in training defined.**

16 The term "volunteer firefighter" means any active member of an organized volunteer fire  
17 department of this state and any other individual performing services as a volunteer firefighter  
18 for a municipality at the request of the chief or other individual in command of the fire  
19 department of that municipality or of any other officer of that municipality having authority to  
20 demand service as a firefighter. Firefighters who are paid a regular wage or stipend by the  
21 municipality for serving as a firefighter, or whose entire time is devoted to service as a firefighter  
22 for the municipality, for the purpose of this chapter, are not volunteer firefighters.

23 The term "emergency or disaster volunteer" means any individual serving without  
24 remuneration who is actively engaged in training to qualify as a disaster emergency worker or is  
25 responding to a hazard, emergency disaster, or enemy attack on this country, and who is  
26 registered with the disaster emergency organization of a municipality, which has been officially  
27 recognized by the director of the state division of homeland security and emergency  
28 management.

29 The term "in training" means only those periods of time, during which an emergency or  
30 disaster volunteer is receiving instruction, or is engaged in exercises or operations, in



1 preparation for qualification as a disaster emergency worker in the event of a hazard,  
2 emergency, disaster, or enemy attack on this country.

3 The term "community emergency response team member" means an individual registered  
4 as a community emergency response team member with the appropriate authority. For  
5 purposes of this chapter, a community emergency response team member is acting as a  
6 community emergency response team member only when the individual is receiving approved  
7 community emergency response team training or is acting as a member of a community  
8 emergency response team in an emergency or disaster.

9 Upon request of the organization, the disaster emergency organization of a municipality  
10 shall provide the organization with its roster of registered community emergency response team  
11 members.

12 The term "municipality" when used in reference to emergency or disaster volunteer means  
13 the state, cities, counties, municipalities, districts, or any other geographical entity of this state.  
14 This definition is not in any way intended to alter any interpretation or ruling in regard to the use  
15 of the term municipality when used in reference to volunteer firefighters.