

# MILITARY

## CHAPTER 331

### HOUSE BILL NO. 1520

(Representative M. Ruby)

AN ACT to authorize the department of health and human services to transfer real property to the office of the adjutant general to construct a new training and storage facility; and to declare an emergency.

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

**SECTION 1. TRANSFER OF LAND AUTHORIZED.** The state of North Dakota, by and through the department of health and human services, shall convey certain real property adjacent to the North Dakota state hospital, Jamestown, North Dakota, consisting of approximately 25.2 acres [10.2 hectares], more or less, within parcel 4, a tract of land located in the south half of the southeast quarter of section 6, township 139 north, range 63 west of the fifth principal meridian, Stutsman County, North Dakota, to the office of the adjutant general to construct a new training and storage facility. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfer authorized by this section.

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

Approved March 17, 2025

Filed March 18, 2025

## CHAPTER 332

### HOUSE BILL NO. 1074

(Government and Veterans Affairs Committee)  
(At the request of the Adjutant General)

AN ACT to amend and reenact sections 37-01-03 and 37-01-43 of the North Dakota Century Code, relating to the operation and regulation of the North Dakota national guard.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 37-01-03 of the North Dakota Century Code is amended and reenacted as follows:

#### **37-01-03. Articles of uniform code of military justice applicable in state - Regulations governing - Punishment for offenses while on duty.**

The articles of uniform code of military justice [10 U.S.C. 801-950] in effect on December 31, ~~2022~~2024, governing the armed forces of the United States and the Manual for Courts-Martial, United States, ~~2019~~2024 edition, are a part of this title so far as the articles are applicable and not modified by any provision of this title. An individual who commits an offense while on military duty status, including state active duty, may be tried by a court-martial lawfully appointed even after the duty has terminated, and if found guilty, the accused must be punished according to the articles of uniform code of military justice and the rules and regulations governing the armed forces of the United States, within the limits prescribed in this title and by federal law for the courts-martial in the national guard. In any case in which the individual alleged to have committed the offense could be charged either under the code of military justice or the civil law of this state, the officer whose duty it is to approve the charge, in the officer's discretion, may order the person charged or subject to being charged to be turned over to the civil authorities for trial. Commanders may administer nonjudicial punishment for offenses while on military duty status, including state active duty, in accordance with part V, Manual for Courts-Martial, except the service member may not demand a trial by courts-martial. When reference is made to the articles of uniform code of military justice, to the military service, or to the armed forces of the United States, the reference must be deemed to include the military service of this state. Laws of this state affecting the military forces must be construed to conform to all acts and regulations of the United States affecting the same subjects.

**SECTION 2. AMENDMENT.** Section 37-01-43 of the North Dakota Century Code is amended and reenacted as follows:

#### **37-01-43. North Dakota military civil relief act.**

An individual called or ordered to active service for thirty consecutive days or longer has all of the protections afforded to persons in the military service of the United States under the Servicemembers Civil Relief Act [50 U.S.C. 3901-4043] in effect on December 31, ~~2022~~2024.

Approved March 14, 2025

Filed March 14, 2025

## CHAPTER 333

### SENATE BILL NO. 2198

(Senators Boschee, Cleary, Meyer)  
(Representatives Pyle, Satrom, Schneider)

AN ACT to amend and reenact section 37-01-25, subsection 1 of section 37-01-40, and section 37-14-01.1 of the North Dakota Century Code, relating to national guard or federal service leave of absence for state and political subdivision employees and the definition of veteran; and to declare an emergency.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 37-01-25 of the North Dakota Century Code is amended and reenacted as follows:

**37-01-25. Officers and employees of state or political subdivisions in national guard or federal service to retain status for period of active service or any military duty.**

~~All officers and employees of this state or of a political subdivision of this state who:~~

1. ~~Are members~~For purposes of this section, "officer or employee" means:
  - a. A member of the national guard;
  2. ~~b. Are members~~A member of the armed forces reserve of the United States of America;
  3. ~~c. Shall be~~An individual subject to call in the federal service by the president of the United States; or
  4. ~~d. Shall volunteer~~An individual who volunteers for ~~such federal~~ service;
2. ~~An officer or employee of the state or a political subdivision, when ordered by proper authority to active noncivilian employment for any military duty, are is entitled to a leave of absence from such the civil service for the period of such the active service or military duty including traveling to and from a duty station without loss of status or efficiency rating.~~
3. ~~If such persons have the individual has been in the continuous employ of the state or political subdivision for ninety days immediately preceding the leave of absence, they shall receive the individual is entitled to twenty workdays each calendar year without loss of pay. In addition, any~~
4. A leave of absence necessitated by a full or partial mobilization of the reserve and national guard forces of the United States of America, or emergency state active duty, must be without loss of pay for the first thirty days thereof of the absence less any other paid leave of absence which may have been granted during the calendar year pursuant to in accordance with this section.

5. If leave is required for any military duty or travel to and from a duty station on a day in which a public officer or employee is scheduled to perform the work of the state or of a political subdivision, the officer or employee must be given the option of ~~time~~:
- a. Time off with a concurrent loss of pay for the period missed, ~~the use~~;
  - b. Use of leave of absence without loss of pay for the period missed; ~~or an opportunity~~
  - c. Opportunity to reschedule the workperiod so the reserve or national guard military duty or travel to and from a duty station occurs during time off from work without loss of status or efficiency rating.

**SECTION 2. AMENDMENT.** Subsection 1 of section 37-01-40 of the North Dakota Century Code is amended and reenacted as follows:

1. A "veteran" is an individual who ~~has~~ served on continuous federalized active ~~military~~ uniformed services duty for one hundred eighty days or the full period for which the individual was called or ordered to active ~~military~~ duty for reasons other than training, and who was discharged or released under other than dishonorable conditions. A discharge reflecting "expiration of term of service" or "completion of required service" or words to that effect qualifies the shorter term of service as making the individual a veteran.

**SECTION 3. AMENDMENT.** Section 37-14-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**37-14-01.1. Definition of veteran.**

1. As used in this chapter, "veteran" means:
  - a. An individual ~~who served in the armed forces of the United States on federal active duty:~~
    - (1) ~~For reasons other than training and who has been discharged under other than dishonorable conditions~~ Defined as a veteran under subsection 1 of section 37-01-40; or
    - (2) To whom the United States veterans administration has assigned a service-connected disability rating;
  - b. Current members of the national guard or reserve; or
  - c. Former members of the national guard or reserve who have been discharged under other than dishonorable conditions.
2. Subdivisions b and c of subsection 1 do not apply to section 37-14-14.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 17, 2025

Filed April 17, 2025

## CHAPTER 334

### HOUSE BILL NO. 1078

(Government and Veterans Affairs Committee)  
(At the request of the Adjutant General)

AN ACT to amend and reenact section 37-01-44 of the North Dakota Century Code, relating to the reimbursement of certain medical expenses for North Dakota national guard members; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 37-01-44 of the North Dakota Century Code is amended and reenacted as follows:

**37-01-44. Reimbursement of certain medical expenses for North Dakota national guard members ~~while on state active duty.~~**

The North Dakota national guard is authorized to pay medical expenses for national guard members who are called to state active duty when the member sustains an injury or illness that is found to have occurred within the line of duty and is not covered by workforce safety and insurance ~~and when such treatment occurred while on state active duty.~~ Payments shall be made only for costs not covered by other health insurance. Coverage of qualifying medical expenses is subject to rules set forth by the office of the adjutant general and subject to available funds.

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

Approved March 26, 2025

Filed March 27, 2025

## CHAPTER 335

### HOUSE BILL NO. 1076

(Government and Veterans Affairs Committee)  
(At the request of the Adjutant General)

AN ACT to amend and reenact section 37-01-48 of the North Dakota Century Code, relating to the payment of a death benefit to the beneficiary or next of kin of a member of the national guard who died while serving on state active duty; and to declare an emergency.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 37-01-48 of the North Dakota Century Code is amended and reenacted as follows:

##### **37-01-48. Payment of death benefits.**

The national guard may pay a death benefit to a designated beneficiary, or to the next of kin, of a national guard service member who died while serving in a state active duty status under this chapter. The payment of a death benefit may not exceed ~~fifteen thousand~~ one hundred thousand dollars and is subject to available funds. The adjutant general may adopt rules to implement this section.

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

Approved March 17, 2025

Filed March 18, 2025

## CHAPTER 336

### SENATE BILL NO. 2130

(Industry and Business Committee)  
(At the request of the Adjutant General)

AN ACT to create and enact a new section to chapter 37-10 of the North Dakota Century Code, relating to prequalification, selection, and contracting of architect, engineer, construction management, land surveying services; and to declare an emergency.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 37-10 of the North Dakota Century Code is created and enacted as follows:

#### **Prequalification, selection, and contracting for consultants - Solicitations.**

1. The adjutant general or the adjutant general's designee may prequalify, select, and contract for consultants in the areas of architecture, engineering, construction management, land surveying, and related matters.
  - a. The prequalification of the consultant must be based on detailed information provided to the adjutant general and evaluated using the criteria outlined in subsection 5 of section 54-44.7-03.
  - b. If a consultant meets the prequalification criteria established by the adjutant general, and the consultant agrees to the terms and fee limits established by the adjutant general, the adjutant general or the adjutant general's designee may contract with the consultant for the delivery of an indefinite quantity of services in the area in which the consultant is prequalified. The contract:
    - (1) May not exceed a term of five years, including optional renewal periods; and
    - (2) Must be selected and negotiated in accordance with subsection 7 of section 54-44.7-03.
  - c. The selection of a contracted consultant under this section for the delivery of services for a specific project must be determined according to the criteria listed in subdivisions a through g of subsection 5 of section 54-44.7-03.
2. The adjutant general is not required to comply with subsection 3 of section 54-44.7-03 or section 54-44.7-04 and may procure consultant services for:
  - a. A project for which the estimated state share of consultant costs is no more than two hundred fifty thousand dollars through direct negotiation with a selected prequalified firm, after considering:
    - (1) The nature of the project:

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- (2) The proximity of the consultant services to the project;
      - (3) The capability of the consultant to produce the required services within a reasonable time;
      - (4) The consultant's past performance; and
      - (5) The consultant's ability to meet project budget requirements.
    - b. A project for which the estimated state share of consultant costs is greater than two hundred fifty thousand dollars but not more than five hundred thousand dollars after:
      - (1) Following the criteria listed in subdivisions a through g of subsection 5 of section 54-44.7-03;
      - (2) Providing notice of the specific project to all prequalified firms in the specific area of need; and
      - (3) Allowing a minimum of seven calendar days to submit information the firm did not provide in response to the prequalification solicitation and additional information related to the firm's ability to:
        - (a) Perform the services required for the specific project;
        - (b) Produce the required results within the time required for the specific project; or
        - (c) Meet budget requirements of the specific project.
    - c. A project for which the estimated state share of consultant costs is greater than five hundred thousand dollars, after:
      - (1) Notifying all prequalified firms;
      - (2) Allowing the prequalified firms a minimum of twenty-one days to respond; and
      - (3) Following the requirements provided in subsections 4 through 7 of section 54-44.7-03.
  - 3. As deemed appropriate by the adjutant general or the adjutant general's designee, if a project for which the estimated state share of consultant costs is less than:
    - a. Two hundred fifty thousand dollars, the adjutant general or the adjutant general's designee may use any of the procurement processes under subsection 2.
    - b. Five hundred thousand dollars, the adjutant general or the adjutant general's designee may use the procurement process under subdivision b or c of subsection 2.
  - 4. Notwithstanding any other provision of law, if the adjutant general or the adjutant general's designee solicits consultant services under this section, the adjutant general or the adjutant general's designee may include more than



one project in one solicitation. For purposes of a multiple project solicitation, the requirements for the project with the highest dollar threshold under subsection 2 apply to all projects in the multiple project solicitation.

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

Approved March 18, 2025

Filed March 18, 2025

## CHAPTER 337

### HOUSE BILL NO. 1135

(Representatives Pyle, Christy, Novak, O'Brien, Vetter)  
(Senators Weston, Wobbema)

AN ACT to amend and reenact sections 37-14-04 and 37-14-06 of the North Dakota Century Code, relating to the veterans' aid fund.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 37-14-04 of the North Dakota Century Code is amended and reenacted as follows:

##### **37-14-04. Veterans' aid fund - Purpose.**

The purpose of the veterans' aid fund is to make loans to any veteran and to a surviving spouse of a veteran. A qualified applicant may be permitted to receive more than one loan providing the total amount of all loans does not exceed fiveeight thousand dollars.

**SECTION 2. AMENDMENT.** Section 37-14-06 of the North Dakota Century Code is amended and reenacted as follows:

##### **37-14-06. Department may provide aid.**

If the department of veterans' affairs is satisfied that an applicant is a veteran or the surviving spouse of a veteran and has not remarried, and that the applicant is a citizen and resident of this state, and that the applicant meets the criteria set forth in rules adopted pursuant to section 37-14-10 regarding qualifications to obtain a loan, the department may loan to the applicant a sum from the veterans' aid fund not to exceed fiveeight thousand dollars. Additional loans may be made to an applicant if the applicant still meets the loan criteria and if the total of all loans does not exceed fiveeight thousand dollars. If an applicant is provided more than one loan, the amounts will be consolidated into one payment.

Approved March 14, 2025

Filed March 14, 2025

## CHAPTER 338

### HOUSE BILL NO. 1504

(Representatives Schneider, Karls, Klemin, J. Olson, Pyle, Warrey, Marschall)  
(Senators Boschee, Dever, Marcellais, Meyer, Paulson)

AN ACT to amend and reenact section 37-14-14 of the North Dakota Century Code, relating to the veterans' postwar trust fund.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 37-14-14 of the North Dakota Century Code is amended and reenacted as follows:

##### **37-14-14. Veterans' postwar trust fund.**

1. The veterans' postwar trust fund is a permanent trust fund of the state of North Dakota and consists of moneys transferred or credited to the fund under this chapter and other laws. Investment of the fund is the responsibility of the state treasurer who shall have full authority to invest the fund only in accordance with chapter 21-10. All income received from investments is to be utilized only for programs of benefit and service to veterans or their dependents, and all income earned in a biennium is appropriated to the administrative committee on veterans' affairs on a continuing basis in the following biennium and not in the biennium the income is earned for expenditure on these programs as authorized by law. Investment of all income received from investments is the responsibility of the state treasurer who has full authority to invest the income received only in accordance with chapter 21-10.
2. A veterans organization as defined under section 53-06.1-01 may donate funds to the veterans' postwar trust fund for homeless veterans' services to prevent and eliminate veteran homelessness.

Approved April 2, 2025

Filed April 3, 2025

## CHAPTER 339

### HOUSE BILL NO. 1079

(Government and Veterans Affairs Committee)  
(At the request of the Adjutant General)

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

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>135</sup> **SECTION 1. AMENDMENT.** Subdivision c of subsection 3 of section 12.1-31.2-02 of the North Dakota Century Code is amended and reenacted as follows:

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

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

1. A person may erect, have, or maintain on the ice in any waters of this state a fishhouse, used or to be used while ice fishing, or a dark house, used or to be used for spearfishing. Fishhouse and dark house owners are subject to the rules the director may adopt governing the construction, maintenance, and use of these units. The outside of each unoccupied unit must have inscribed on it, in readily distinguishable characters at least three inches [7.62 centimeters] high, the registration number issued by the department for the fishhouse, or the owner's name and address or telephone number. An unoccupied fishhouse or dark house left on the ice without a registration

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<sup>135</sup> Section 12.1-31.2-02 was also amended by section 1 of House Bill No. 1336, chapter 135.

number, or an owner's name and address or telephone number may be removed or destroyed by the department. The department may not issue a fishhouse registration number, unless the division of the state radioemergency communications center has integrated game and fish department license information into the national law enforcement telecommunications system. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

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

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

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

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

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

1. The division of homeland security and emergency management must have professional, technical, secretarial, and clerical employees as necessary for the performance of its functions. The director of the division shall fix the compensation of the staff in conformity with state merit system regulations and may make such expenditures within the appropriations therefor, or from other funds made available to the director for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.
2. The division of homeland security and emergency management shall prepare and maintain a state disaster plan and keep it current, which plan may include provisions for:
  - a. Averting or minimizing the injury and damage caused by disasters or emergencies.
  - b. Prompt and effective response to a disaster or emergency.
  - c. Emergency relief.
  - d. Identification of areas particularly vulnerable to a disaster or emergency.
  - e. Recommendations for zoning, building, and other land use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other mitigation and preparedness measures.
  - f. Assistance to local officials in developing and maintaining local and regional emergency management systems.

- g. Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from any disaster or emergency.
  - h. Preparation and distribution of emergency management assistance program guidance to the appropriate state and local officials.
  - i. Organization of manpower and chains of command.
  - j. Coordination of federal, state, regional, and local emergency management activities.
  - k. Coordination of state disaster or emergency operations plans with the disaster or emergency plans of the federal government.
  - l. Other necessary matters.
3. The division of homeland security and emergency management shall provide technical assistance for the development and revision of local and regional disaster or emergency operations plans prepared under section 37-17.1-07.
4. In preparing and revising state disaster or emergency plans, the division of homeland security and emergency management shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic, and volunteer organizations and community leaders. In advising local and regional emergency management organizations, the division shall encourage them also to seek advice from these sources.
5. State disaster or emergency plans or any parts thereof have the force of law upon implementation by the governor.
6. The division of homeland security and emergency management, in coordination with lead and support agencies, shall:
- a. Coordinate the procurement of supplies, materials, and equipment during disaster or emergency operations.
  - b. Provide guidance and standards for local and regional disaster or emergency operational plans.
  - c. Periodically review local and regional disaster or emergency operational plans.
  - d. Coordinate state or state and federal assistance to local and regional emergency management organizations.
  - e. Establish and operate or assist local and regional emergency management organizations to establish and operate training programs and programs for emergency public information.
  - f. Make surveys of industries, resources, and facilities, within the state, both public and private, as are necessary to carry out the purposes of this chapter. The use of sensitive and proprietary logistical data submitted to the state in confidence by individual industries and suppliers must be accorded full confidentiality and will be released only in aggregate form.

- g. Plan and make arrangements for the availability and use of any private facilities, services, and property, and, if necessary and if in fact used, coordinate payment for that use under terms and conditions agreed upon.
  - h. Establish access to a register of persons with types of training and skills important in prevention, mitigation, preparedness, response, and recovery.
  - i. Establish access to a register of equipment and facilities available for use in a disaster or emergency.
  - j. Prepare, for issuance by the governor, executive orders, proclamations, and guidance as necessary or appropriate in managing a disaster or emergency.
  - k. Coordinate and may enter agreements with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster mitigation, preparation, response, and recovery.
  - l. Be the state search and rescue coordinating agency, establish access to a register of search and rescue equipment and personnel in the state, and plan for its effective utilization.
  - m. Do other things necessary, incidental, or appropriate for the implementation of this chapter.
7. The division of homeland security and emergency management shall serve as a central information dissemination point and repository for initial notification information for spills and discharges in the state for hazardous chemicals as defined in section 37-17.1-07.1, oil, gas, and saltwater. The division shall develop processes to ensure proper state and federal agencies that have oversight responsibilities are promptly notified. The division shall also provide notice to local emergency management officials within a time that is consistent with the level of emergency.

<sup>136</sup> **SECTION 5. AMENDMENT.** Subsection 1 of section 37-17.1-07 of the North Dakota Century Code is amended and reenacted as follows:

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

<sup>137</sup> **SECTION 6. AMENDMENT.** Subsection 4 of section 37-17.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4. The mayor of or the president of the board of city commissioners in a city with an emergency management organization and the chairman of the board of county commissioners shall notify the division of homeland security and emergency management of the manner in which the city and the county are providing or securing emergency management activities, identify each

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<sup>136</sup> Section 37-17.1-07 was also amended by section 6 of House Bill No. 1079, chapter 339.

<sup>137</sup> Section 37-17.1-07 was also amended by section 5 of House Bill No. 1079, chapter 339.

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

<sup>138</sup> **SECTION 7. AMENDMENT.** Subsection 1 of section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Program components.
  - a. The governor shall appoint members of the state emergency response commission to carry out the commission's responsibilities as outlined in Public Law 99-499, 42 U.S.C. 11001, et seq., also referred to as SARA title III, and the responsibilities of the commission members as outlined in the North Dakota emergency operations plan.
  - b. In conjunction with the state emergency response commission, the local emergency planning committees, as appointed by the boards of county commissioners, and the local emergency management organizations shall coordinate the development and maintenance of a state hazardous chemicals preparedness and response program.
  - c. The director of the division of homeland security and emergency management shall serve as the chairman of the state emergency response commission. In the absence of the chairman, the designated vice chairman shall serve as chairman. The state emergency response commission by vote will select the vice chairman to fulfill a two-year term. The chairman shall recognize the assignment of representatives to the commission who are designated through a delegation of authority by a member. The chairman shall designate a commission secretary, solely for the purpose of documenting and distributing clerical proceedings, from the staff of the division of homeland security and emergency management.
  - d. For the purpose of complying with the reporting requirements set forth in sections 302, 304, 311, 312, and 313 of Public Law 99-499, 42 U.S.C. 11001, et seq., also referred to as SARA title III, the owner and operator of any facility, as defined in SARA title III, shall submit those reports to the North Dakota division of homeland security and emergency management as required by SARA title III, which shall establish and maintain the state repository for these reports.
  - e. For purposes of monitoring, determining if emergency response may be required, and notifying local officials, owners and operators or responsible parties shall report all spills or discharges to the appropriate state agency as required by law. The report must include the name of the reporting party, including phone number and address; date; time of release; location of release; containment status; name of the chemical, if waterways are involved; and immediate potential threat. If the release occurs or travels offsite from a facility, the owner and operator or responsible party shall notify the surface owner within a reasonable time. State agencies that receive direct reports of spills or discharges shall provide the report information to the division within a time that is consistent with potential level of response needed.

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<sup>138</sup> Section 37-17.1-07.1 was also amended by section 8 of House Bill No. 1079, chapter 339, section 9 of House Bill No. 1079, chapter 339, and section 1 of Senate Bill No. 2082, chapter 340.



<sup>139</sup> **SECTION 8. AMENDMENT.** Subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

2. Establishment of funds.

- a. There is created in the state treasury a nonlapsing restricted account to be known as a state hazardous chemicals preparedness and response fund. The fund consists of revenue collected from the state hazardous chemical fee system and funds appropriated by the legislative assembly. Moneys in the fund shall be appropriated biennially to the division of homeland security and emergency management for carrying out the purposes, goals, and objectives of SARA title III, and the state hazardous chemicals preparedness and response program.
- b. The county treasurer of each county shall establish a nonlapsing restricted account, to be known as the county hazardous chemicals preparedness and response account. The county hazardous chemicals preparedness and response account consists of revenue from the state hazardous chemicals fee system, county, federal or state funds, grants, and any private donations provided to finance the county hazardous chemicals preparedness and response program.
- c. Each owner and operator of a facility, as defined in SARA title III, shall pay an annual hazardous chemicals fee to the division of homeland security and emergency management by March first of each year. The fee is twenty-five dollars for each chemical within the meaning of title 40, Code of Federal Regulations, part 355.20, or its successor which is required under section 312 of SARA title III, to be listed on the hazardous chemical inventory form (tier II) which the owner or operator must submit to the division. The federal requirements must be used for completing the tier II form, including the threshold amounts, as outlined in title 40, Code of Federal Regulations, part 20. The maximum fee for a facility under this section is four hundred seventy-five dollars. The director of the homeland security and emergency management division may impose fees for both late filing of reports and late payment of fees. A late fee must equal the amount of the hazardous chemicals fee owed under this subdivision. After six months the director shall process further violations under willful violations in subsection 4. The division of homeland security and emergency management shall transfer to the county hazardous chemicals preparedness and response account one-half of the regular fees collected from the state's hazardous chemicals fee system.
- d. The owners or operators of family farm enterprises that are not engaged in the retail or wholesale of hazardous chemicals and facilities owned by the state or local governments are exempt from the fee under subdivision c. For purposes of this section, the terms "family farm" and "farmer" have the same meaning as set forth in section 6-09.11-01.
- e. The state and county governments are authorized to accept and may deposit grants, gifts, and federal funds into the hazardous chemicals preparedness and response fund and accounts for the purpose of carrying out the hazardous chemicals preparedness and response programs to

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<sup>139</sup> Section 37-17.1-07.1 was also amended by section 7 of House Bill No. 1079, chapter 339, section 9 of House Bill No. 1079, chapter 339, and section 1 of Senate Bill No. 2082, chapter 340.

include training, exercising, equipment, response, and salaries, and local emergency planning committee member stipends not to exceed thirty percent of state per diem per meeting attended. In lieu of stipends the committee chairman may provide a meal or refreshments other than alcoholic beverages.

- f. "Hazardous chemical" means as defined in title 40, Code of Federal Regulations, part 355.20 and title 29, Code of Federal Regulations, part 1910.1200.
- g. The state hazardous chemicals fee system does not supersede a city fee system for hazardous chemicals.

<sup>140</sup> **SECTION 9. AMENDMENT.** Subsection 5 of section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

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

<sup>141</sup> **SECTION 10. AMENDMENT.** Subsection 2 of section 37-17.1-11 of the North Dakota Century Code is amended and reenacted as follows:

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

<sup>142</sup> **SECTION 11. AMENDMENT.** Subsection 3 of section 37-17.1-11 of the North Dakota Century Code is amended and reenacted as follows:

- 3. If the division of homeland security and emergency management determines, in coordination with lead and support agencies, on the basis of the studies or other competent evidence, that an area is susceptible to a disaster of catastrophic proportions without adequate warning; existing building standards and land use controls in that area are inadequate and could add substantially to the magnitude of the disaster or emergency; and changes in zoning regulations, other land use regulations, or building requirements are needed in order to further the purposes of this section, it shall specify the essential

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<sup>140</sup> Section 37-17.1-07.1 was also amended by section 7 of House Bill No. 1079, chapter 339, section 8 of House Bill No. 1079, chapter 339, and section 1 of Senate Bill No. 2082, chapter 340.

<sup>141</sup> Section 37-17.1-11 was also amended by section 11 of House Bill No. 1079, chapter 339.

<sup>142</sup> Section 37-17.1-11 was also amended by section 10 of House Bill No. 1079, chapter 339.

changes to the governor. If the governor, upon review of the determination, finds after public hearing, that the changes are essential, the governor shall so recommend to the agencies or local governments with jurisdiction over that area and subject matter. If no action or insufficient action pursuant to the governor's recommendations is taken within the time specified by the governor, the governor shall so inform the legislative assembly and request legislative action appropriate to mitigate the impact of the disaster or emergency.

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

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

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

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

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

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

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

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

The division of homeland security and emergency management shall keep continuously apprised of weather conditions which present danger of precipitation or other climatic activity severe enough to constitute a disaster. If the division determines that precipitation resulting from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, the division shall direct the officer or agency

empowered to issue permits for weather modification operations to suspend the issuance of the permits. No permits may be issued until the division informs the officer or agency that the danger has passed.

<sup>143</sup> **SECTION 15. AMENDMENT.** Section 37-17.1-22 of the North Dakota Century Code is amended and reenacted as follows:

**37-17.1-22. Disaster or emergency response and recovery costs.**

Whenever the governor declares a state of disaster or emergency in accordance with section 37-17.1-05, or when the governor enters into an agreement with the federal government following a disaster or emergency declared by the president of the United States, the director of the division of homeland security and emergency management shall determine and record the costs of the state response and recovery operations in accordance with an agreement with the federal government or in accordance with procedures established by the governor in the case of a state-declared disaster or emergency. Immediately following the response or recovery operations, or prior thereto if determined necessary by the governor, the governor may apply to the state emergency commission for a grant of funds in an amount equal to the response and recovery costs of the state. Notwithstanding other provisions of chapter 54-16, it must be conclusively presumed upon receipt by the emergency commission of the application from the governor that a disaster or emergency exists, and the commission may grant and direct the transfer to the department of the governor designated representative of an amount up to that certified in the application by the governor.

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

3. Upon authorization by the governor and approval of costs by the director of the division of homeland security and emergency management, expenses incurred in meeting a contingency or emergency arising from a wide area search and rescue operation may be reimbursed under section 37-17.1-22 or 37-17.1-27.

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

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

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

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

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<sup>143</sup> Section 37-17.1-22 was also amended by section 1 of House Bill No. 1073, chapter 341.

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

1. The statewide interoperability executive committee consists of:
  - a. The director of the state radio emergency communications center or a designee;
  - b. The director of the division of homeland security and emergency management or a designee;
  - c. The superintendent of the highway patrol or a designee;
  - d. The adjutant general or a designee;
  - e. The director of the department of transportation or a designee;
  - f. A representative of the North Dakota sheriff's and deputies association;
  - g. A representative of the North Dakota emergency managers association;
  - h. A representative of the North Dakota fire chiefs association;
  - i. A representative of the North Dakota emergency medical services association;
  - j. A representative of the North Dakota police chiefs association;
  - k. A representative of the North Dakota peace officers association;
  - l. A representative of the North Dakota 911 association;
  - m. A representative of the North Dakota association of counties;
  - n. A representative of the North Dakota league of cities;
  - o. The North Dakota chief information officer or a designee;
  - p. The North Dakota Indian affairs commission executive director or a designee;
  - q. One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management;
  - r. The director of the game and fish department or a designee; and
  - s. The state health officer or a designee.

<sup>144</sup> **SECTION 19. AMENDMENT.** Section 37-17.3-08 of the North Dakota Century Code is amended and reenacted as follows:

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<sup>144</sup> Section 37-17.3-08 was also amended by section 1 of Senate Bill No. 2114, chapter 342.

**37-17.3-08. State ~~radio~~emergency communications center system and service fees.**

1. The director shall establish the appropriate fees for access to the state ~~radio~~emergency communications center system and North Dakota law enforcement telecommunications systems and other such systems that may be employed that enhance public safety. Changes to fees charged by the division, including schedule of charges for counties and cities, will take effect on July first. The director shall announce any fee increases a minimum of one year before the effective date. When the director considers an adjustment, as a part of the process the director shall consult with representatives of state and local units of government before setting fees. The director may consider economic conditions and the general economy when setting fees. The director shall deposit all revenue obtained under this chapter with the state treasurer for deposit in the state ~~radio~~emergency communications center broadcasting system operating account. The state ~~radio~~emergency communications center broadcasting system operating account must be expended pursuant to legislative appropriation for the operation and maintenance of the system.
2. Each county and city law enforcement department that accesses the North Dakota teletype system shall pay a fee levied on a per terminal basis. Other law enforcement affiliated organizations and federal agencies will pay one hundred percent of the actual costs incurred by the division for providing the service. Fees will be levied on a per terminal basis. State general fund agencies that access the system will not incur any fees for the service. City and county law enforcement fees will be based on the following schedule of charges per terminal:
  - a. County population of less than five thousand shall pay forty dollars per month.
  - b. County population of five thousand or more but less than ten thousand shall pay eighty dollars per month.
  - c. County population of ten thousand or more but less than fifteen thousand shall pay one hundred twenty dollars per month.
  - d. County population of fifteen thousand or more but less than twenty-five thousand shall pay one hundred sixty dollars per month.
  - e. County population of twenty-five thousand or more shall pay two hundred dollars per month.

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

- c. "Class C" authorized emergency vehicles means:
  - (1) Vehicles used by the state division of homeland security and emergency management or local division of emergency management organizations.
  - (2) Vehicles used by volunteer firefighters while performing their assigned disaster and emergency responsibilities.

- (3) Vehicles, other than ambulances, used by emergency medical services personnel.
- (4) Vehicles used by volunteer search and rescue personnel if performing an emergency operation or duty upon the request of a state entity, political subdivision, or volunteer fire department. A volunteer organization may classify a personal vehicle as a class C emergency vehicle if needed to assist in a search and rescue operation in accordance with this paragraph. As used in this paragraph, "search and rescue" means deployment, coordination, and use of available resources and personnel in locating, relieving the distress, and preserving the life of and removing an individual who is missing, trapped, or lost in the backcountry, remote areas, or waters of the state. The term includes water and dive rescue.

<sup>145</sup> **SECTION 21. AMENDMENT.** Section 39-03-13.2 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

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

<sup>146</sup> **SECTION 23. AMENDMENT.** Subsection 2 of section 54-12-32 of the North Dakota Century Code is amended and reenacted as follows:

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

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<sup>145</sup> Section 39-03-13.2 was repealed by section 2 of Senate Bill No. 2098, chapter 549.

<sup>146</sup> Section 54-12-32 was repealed by section 2 of Senate Bill No. 2098, chapter 549.

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

1. The governing body of a city or county, which adopted a fee on assessed communications services under this chapter, shall make a report of the income, expenditures, and status of its emergency services communication system. The report must be submitted to the emergency services communications coordinating committee in the format requested by the committee. The committee is composed of four members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, one appointed by the chief information officer of the state, and one appointed by the adjutant general to represent the division of the state radio emergency communications center.

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

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

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

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

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

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

The term "in training" means only those periods of time, during which an emergency or disaster volunteer is receiving instruction, or is engaged in exercises or operations, in preparation for qualification as a disaster emergency worker in the event of a hazard, emergency, disaster, or enemy attack on this country.

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



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

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

Approved March 14, 2025

Filed March 14, 2025

## CHAPTER 340

### SENATE BILL NO. 2082

(Energy and Natural Resources Committee)  
(At the request of the Adjutant General)

AN ACT to amend and reenact subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the state's hazardous chemical fee system.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>147</sup> **SECTION 1. AMENDMENT.** Subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

2. Establishment of funds.

- a. There is created in the state treasury a nonlapsing restricted account to be known as a state hazardous chemicals preparedness and response fund. The fund consists of revenue collected from the state hazardous chemical fee system and funds appropriated by the legislative assembly. Moneys in the fund shall be appropriated biennially to the division of homeland security for carrying out the purposes, goals, and objectives of SARA title III, and the state hazardous chemicals preparedness and response program.
- b. The county treasurer of each county shall establish a nonlapsing restricted account, to be known as the county hazardous chemicals preparedness and response account. The county hazardous chemicals preparedness and response account consists of revenue from the state hazardous chemicals fee system, county, federal or state funds, grants, and any private donations provided to finance the county hazardous chemicals preparedness and response program.
- c. The director of the division of homeland security shall set appropriate fees for the state hazardous chemical fee system subject to the following:
  - (1) Changes to fees charged will take effect on January first;
  - (2) An increase to fees levied on a per chemical basis made after January 1, 2026, may not exceed five dollars per year;
  - (3) The director shall announce any fee increases made after January 1, 2026, a minimum of one year before the effective date; and
  - (4) The director may consider economic conditions, the general economy, and the availability of funds appropriated by the legislature to offset the costs of administering the program when setting fees.

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<sup>147</sup> Section 37-17.1-07.1 was also amended by section 7 of House Bill No. 1079, chapter 339, section 8 of House Bill No. 1079, chapter 339, and section 9 of House Bill No. 1079, chapter 339.

- d. Each owner and operator of a facility, as defined in SARA title III, shall pay an annual hazardous chemicals fee to the division of homeland security.
- (1) The fee must be paid by March first of each year.
  - (2) The fee is ~~twenty-five dollars~~ levied on a per chemical basis for each chemical within the meaning of title 40, Code of Federal Regulations, part 355.20, or its successor which is required under section 312 of SARA title III, to be listed on the hazardous chemical inventory form (tier II) which the owner or operator must submit to the division. The federal requirements must be used for completing the tier II form, including the threshold amounts, as outlined in title 40, Code of Federal Regulations, part 20.
  - (3) The maximum fee for a facility under this section is ~~four hundred seventy-five~~ nine hundred fifty dollars.
  - (4) The director of the homeland security division may impose fees for both late filing of reports and late payment of fees- subject to the following:
    - (a) A late fee ~~must equal~~ may not exceed the amount of the hazardous chemicals fee owed under this subdivision-;
    - (b) After six months the director shall process further violations under willful violations in subsection 4-; and
    - (c) A facility exempt from fees under this subdivision which is late filing reports under this section may be subject to a late fee equal to the amount the facility would be charged if it was not exempt.
  - (5) The division of homeland security shall transfer to the county hazardous chemicals preparedness and response account one-half of the regular fees collected from the state's hazardous chemicals fee system.
- d-e. The owners or operators of family farm enterprises that are not engaged in the retail or wholesale of hazardous chemicals and facilities owned by the state or local governments are exempt from the fee under subdivision c. For purposes of this section, the terms "family farm" and "farmer" have the same meaning as set forth in section 6-09.11-01.
- e-f. ~~The state~~ State and county governments are authorized to accept and may deposit grants, gifts, and federal funds into the hazardous chemicals preparedness and response fund and accounts for the purpose of carrying out the hazardous chemicals preparedness and response programs to include training, exercising, equipment, response, and salaries, and local emergency planning committee member stipends not to exceed thirty percent of state per diem per meeting attended. In lieu of stipends the committee chairman may provide a meal or refreshments other than alcoholic beverages.
- f-g. "Hazardous chemical" means as defined in title 40, Code of Federal Regulations, part 355.20 and title 29, Code of Federal Regulations, part 1910.1200.

- ~~g-h.~~ The state hazardous chemicals fee system does not supersede a city fee system for hazardous chemicals.

Approved April 22, 2025

Filed April 23, 2025

## CHAPTER 341

### HOUSE BILL NO. 1073

(Government and Veterans Affairs Committee)  
(At the request of the Adjutant General)

AN ACT to amend and reenact sections 37-17.1-22, 37-17.1-23, and 37-17.1-27 of the North Dakota Century Code, relating to disaster or emergency response and recovery costs, authority to spend funds from the state disaster relief fund, and uses of the state disaster relief fund.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>148</sup> **SECTION 1. AMENDMENT.** Section 37-17.1-22 of the North Dakota Century Code is amended and reenacted as follows:

##### **37-17.1-22. Disaster or emergency response and recovery costs.**

Whenever the governor declares a state of disaster or emergency in accordance with section 37-17.1-05, or when the governor enters into an agreement with the federal government following a disaster or emergency declared by the president of the United States, the director of the division of homeland security shall determine and record the costs of the state response and recovery operations in accordance with an agreement with the federal government or in accordance with procedures established by the governor in the case of a state-declared disaster or emergency. Immediately following the response or recovery operations, or prior thereto if determined necessary by the governor, the governor may apply to the state emergency commission for a grant of funds in an amount equal to the response and recovery costs of the state to be paid from the state disaster relief fund or other funds approved by the emergency commission. Notwithstanding other provisions of chapter 54-16, it must be conclusively presumed upon receipt by the emergency commission of the application from the governor that a disaster or emergency exists, and the commission may grant and direct the transfer to the department of the governor designated representative of an amount up to that certified in the application by the governor.

**SECTION 2. AMENDMENT.** Section 37-17.1-23 of the North Dakota Century Code is amended and reenacted as follows:

##### **37-17.1-23. Disaster or emergency recovery funding - Loan authorization.**

1. When approved by the emergency commission, the office of the adjutant general is authorized to borrow from the Bank of North Dakota, to match federal funds under the Robert T. Stafford Disaster Emergency Assistance Act [Public Law 93-288, as amended]. In addition to the principal repayment, the Bank of North Dakota shall receive interest on the loan at a rate equal to other state agency borrowings. On behalf of the state, the office of the adjutant general shall administer the disaster or emergency recovery program according to state procedures based on federal laws or regulations. After a

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<sup>148</sup> Section 37-17.1-22 was also amended by section 15 of House Bill No. 1079, chapter 339.

county or group of counties have been declared a major disaster or emergency area by the president, the office of the adjutant general shall submit a request to the emergency commission for:

- a. Approval to make an application for a loan from the Bank of North Dakota;
  - b. Approval for additional personnel required to perform the anticipated recovery activities; ~~and~~
  - c. Authority to spend additional state and federal funds for the recovery program; and
  - d. Authority to spend available funds from the state disaster relief fund.
2. If the request is acceptable, the emergency commission shall approve the request and issue a notice of its action to the office of the adjutant general, Bank of North Dakota, and the office of management and budget. The office of the adjutant general shall keep the emergency commission apprised of the progress of the recovery operation and submit a final report upon completion of the project. The office of the adjutant general is responsible to repay any loan, including accrued interest, from the Bank of North Dakota which is provided under this section. If at the end of the biennium a balance exists on the loan, the office of the adjutant general shall request the legislative assembly for a deficiency appropriation to repay the loan.

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

**37-17.1-27. State disaster relief fund - Creation - Uses.**

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations for providing the required state share of funding for expenses and administration associated with emergency response operations conducted by the department of emergency services, a declaration of a state of disaster or emergency issued by the governor in accordance with section 37-17.1-05, federal emergency management agency disaster response, recovery, and mitigation grants, and for the purposes of reimbursing costs under section 37-17.1-28. Any interest or other fund earnings must be deposited in the fund. Before any expenditure is made from the fund, the agency authorized to make the expenditure shall provide information on the purpose and payee of the expenditure to the appropriation committees of the house of representatives and senate or to the budget section if the legislative assembly is not in session.

Approved April 10, 2025

Filed April 11, 2025

## CHAPTER 342

### SENATE BILL NO. 2114

(Agriculture and Veterans Affairs Committee)  
(At the request of the Adjutant General)

AN ACT to amend and reenact subsection 2 of section 37-17.3-08 of the North Dakota Century Code, relating to the state radio system and service fees.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>149</sup> **SECTION 1. AMENDMENT.** Subsection 2 of section 37-17.3-08 of the North Dakota Century Code is amended and reenacted as follows:

2. Each county and city law enforcement department that accesses the North Dakota teletype system shall pay a fee levied on a per terminal basis. Other law enforcement affiliated organizations and federal agencies will pay one hundred percent of the actual costs incurred by the division for providing the service. Fees will be levied on a per terminal basis. State general fund agencies that access the system will not incur any fees for the service. City and county law enforcement fees ~~will be~~ are based on the following schedule of charges per terminal per month:
  - a. ~~County~~ Fifteen percent of the fee established by the director in a county with a population of less than five thousand shall pay forty dollars per month.
  - b. ~~County~~ Thirty percent of the fee established by the director in a county with a population of five thousand or more but less than ten thousand shall pay eighty dollars per month.
  - c. ~~County~~ Forty-five percent of the fee established by the director in a county with a population of ten thousand or more but less than fifteen thousand shall pay one hundred twenty dollars per month.
  - d. ~~County~~ Sixty percent of the fee established by the director in a county with a population of fifteen thousand or more but less than twenty-five thousand shall pay one hundred sixty dollars per month.
  - e. ~~County~~ Seventy-four percent of the fee established by the director in a county with a population of twenty-five thousand or more shall pay two hundred dollars per month.

Approved March 19, 2025

Filed March 20, 2025

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<sup>149</sup> Section 37-17.3-08 was also amended by section 19 of House Bill No. 1079, chapter 339.

## CHAPTER 343

### HOUSE BILL NO. 1293

(Representatives Vetter, D. Johnston, Kiefert, Klemin, Lefor, Christianson, Longmuir)  
(Senators Cory, Dever, Larson, Meyer, Sickler)

AN ACT to create and enact a new section to chapter 37-18 of the North Dakota Century Code, relating to the creation of a burial medallion program for veterans.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 37-18 of the North Dakota Century Code is created and enacted as follows:

##### **Burial medallion program.**

1. As used in this section, "medallion" means a small, durable marker attached to an existing headstone or grave marker to indicate a veteran's status.
2. The department of veterans' affairs shall establish and administer a program to provide a medallion for a national guard or national guard reserve member, not buried in the state veterans' cemetery, who does not qualify for another medallion from the state or federal department of veterans affairs.

Approved March 14, 2025

Filed March 14, 2025



## CHAPTER 344

### HOUSE BILL NO. 1180

(Representatives Pyle, Dockter, Frelich, Tveit, Vollmer)  
(Senators Dever, Roers)

AN ACT to amend and reenact subsection 1 of section 15-10-18.2, subsection 2 of section 37-19.1-03, subdivision j of subsection 2 of section 39-04-18, subsection 1 of section 57-02-08.8, and subsection 1 of section 57-40.3-04 of the North Dakota Century Code, relating to eligibility for certain veteran earned benefits; and to provide an effective date.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 1 of section 15-10-18.2 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dependent" for purposes of section 15-10-18.3 means:
  - a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran" is defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the~~ one hundred percent rate as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action;
  - b. A child, stepchild, spouse, widow, or widower of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the~~ one hundred percent rate as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the spouse, widow, or widower, or the child's or stepchild's other parent, has been a resident of this state and was a resident of this state at the time of death or determination of total disability of the veteran;
  - c. A child, stepchild, spouse, widow, or widower of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the~~ one hundred percent rate as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the spouse, widow, or widower, or the child's or stepchild's other parent, establishes residency in

this state and maintains that residency for a period of five years immediately preceding the spouse's, widow's, widower's, child's, or stepchild's enrollment at an institution under the control of the state board of higher education; or

- d. A widow or widower of a veteran, as defined in section 37-01-40, who is receiving United States department of veterans affairs dependency and indemnity compensation and satisfies the residency requirement in subdivision a, b, or c. For purposes of this subdivision, sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a qualifying veteran's widow or widower by the United States department of veterans affairs which indicates the widow or widower is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation.

For purposes of this subsection, if the determination of disability or service-connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans' affairs disability and indemnity compensation, the determination for purposes of qualification as a dependent under this subsection is presumed to precede the veteran's death.

**SECTION 2. AMENDMENT.** Subsection 2 of section 37-19.1-03 of the North Dakota Century Code is amended and reenacted as follows:

2. The spouse of a disabled veteran, who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or who has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the one hundred percent rate as determined by the department of veterans' affairs, is, if the disabled veteran is unable to exercise the veteran's right to a veteran's employment preference due to the veteran's disability, entitled, if the person is otherwise qualified, to the employment preference given to a veteran under section 37-19.1-02 in the manner provided therein.~~

**SECTION 3. AMENDMENT.** Subdivision j of subsection 2 of section 39-04-18 of the North Dakota Century Code is amended and reenacted as follows:

- j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight owned and operated by a disabled veteran under the provisions of Public Law 79-663 [38 U.S.C. 3901], a disabled veteran who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or a disabled veteran who has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the one hundred percent rate as determined by the department of veterans' affairs is entitled to display either a distinctive license plate or a standard plate that does not identify the veteran as a veteran or disabled veteran which is issued by the department at no cost to the qualifying veteran or surviving spouse or any other distinctive or vanity plate purchased from the department by the qualifying veteran or surviving spouse. This exemption applies to no more than two such motor vehicles owned by a disabled veteran at any one time. A surviving spouse of a disabled veteran who is receiving United~~

States department of veterans affairs dependency and indemnity compensation is eligible for the exemption under this subdivision for one vehicle. If the determination of disability or service-connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans affairs disability and indemnity compensation, the determination for purposes of the exemption under this subdivision is presumed to precede the veteran's death. Sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a surviving spouse of a qualifying veteran by the United States department of veterans affairs which indicates the surviving spouse is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation.

<sup>150</sup> **SECTION 4. AMENDMENT.** Subsection 1 of section 57-02-08.8 of the North Dakota Century Code is amended and reenacted as follows:

1. A disabled veteran of the United States armed forces with an armed forces service-connected disability of fifty percent or greater or a disabled veteran who has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the one hundred percent rate~~ as determined by the department of veterans' affairs, who was discharged under honorable conditions or who has been retired from the armed forces of the United States, or the surviving spouse if the disabled veteran is deceased, is eligible for a credit applied against the first eight thousand one hundred dollars of taxable valuation of the homestead owned and occupied by the disabled veteran or surviving spouse equal to the percentage of the disabled veteran's disability compensation rating for service-connected disabilities as certified by the department of veterans' affairs for the purpose of applying for a property tax credit. A surviving spouse who is receiving United States department of veterans affairs dependency and indemnity compensation receives a one hundred percent credit as described in this subsection. If the determination of disability or service-connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans affairs disability and indemnity compensation, the determination for purposes of the credit under this subsection is presumed to precede the veteran's death. Sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a surviving spouse of a qualifying veteran by the United States department of veterans affairs which indicates the surviving spouse is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation.

<sup>151</sup> **SECTION 5. AMENDMENT.** Subsection 1 of section 57-40.3-04 of the North Dakota Century Code is amended and reenacted as follows:

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<sup>150</sup> Section 57-02-08.8 was also amended by section 11 of House Bill No. 1031, chapter 64, and section 9 of House Bill No. 1176, chapter 555.

<sup>151</sup> Section 57-40.3-04 was also amended by section 2 of House Bill No. 1578, chapter 564, and section 1 of Senate Bill No. 2207, chapter 563.

1. Any motor vehicle acquired by, or leased and in the possession of, a resident disabled veteran under the provisions of Pub. L. 79-663 [38 U.S.C. 3901], a resident disabled veteran who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or a resident disabled veteran who has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the~~ one hundred percent rate as determined by the department of veterans' affairs who registers, or is eligible to register, the vehicle with a distinctive license plate issued by the department of transportation under subdivision j of subsection 2 of section 39-04-18. A surviving spouse who is receiving United States department of veterans affairs dependency and indemnity compensation is eligible for the exemption in this subsection. If the determination of disability or service-connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans affairs disability and indemnity compensation, the determination for purposes of the exemption under this subsection is presumed to precede the veteran's death. Sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a surviving spouse of a qualifying veteran by the United States department of veterans affairs which indicates the surviving spouse is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation.

**SECTION 6. EFFECTIVE DATE.** Section 4 of this Act is effective for taxable years beginning after December 31, 2024. Section 5 of this Act is effective for taxable events occurring after June 30, 2025.

Approved March 14, 2025

Filed March 14, 2025

## CHAPTER 345

### SENATE BILL NO. 2398

(Senators Barta, Castaneda, Sickler)  
(Representatives Bolinske, Christianson)

AN ACT to create and enact a new chapter to title 37 of the North Dakota Century Code, relating to the establishment of military impact zones and military compatibility committees.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new chapter to title 37 of the North Dakota Century Code is created and enacted as follows:

##### **Definitions.**

As used in this chapter, "encroachment" means an action that interferes with or negatively impacts military base testing, training, and other operations and overall military readiness, including issues related to environmental impact, noise pollution, land development, competition for airspace, competition for radio frequency spectrum, and urban growth around military installations.

##### **Military impact zones.**

A military impact zone is a geographic zone extending from the perimeter of each military base in the state, which requests the military compatibility committees to provide assistance under this chapter. The outer boundary of each zone must be established by an assessment in a compatible use study and contingent upon the missions of each military base.

##### **Military compatibility committees.**

1. The agriculture commissioner may create one or more military compatibility committees to harmonize land, airspace, and electromagnetic spectrum use in military impact zones, review potential encroachment of military installations in military impact zones, and promote the sustainability of military operations in the state.
2. A military compatibility committee must be composed of:
  - a. The agriculture commissioner, or the agriculture commissioner's designee;
  - b. One representative from each county within the boundaries of a military impact zone, selected by the board of county commissioners;
  - c. One representative representing all townships within the boundaries of a military impact zone, selected by the boards of township supervisors;
  - d. One representative representing all cities within the boundaries of a military impact zone, selected by the city council or councils; and

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- e. On a voluntary basis, the commander of each military installation, or the commander's designee.
  - 3. Except for activities subject to the United States department of defense military aviation and installation assurance siting clearinghouse established under section 183(a) of United States Code title 10 [10 U.S.C. 183(a)], a military compatibility committee shall:
    - a. Provide guidance to local governments on military-compatibility practices in military impact zones.
    - b. Establish a uniform process in accordance with chapters 11-33, 40-47, and 40-48, and section 58-03-12 for all political subdivisions located in a military impact zone to coordinate zoning, land use, construction, energy development, telecommunications, and other infrastructure projects that could impact military radar, airspace, communications, or operational readiness relevant to mission compatibility.

Approved April 8, 2025

Filed April 8, 2025