

MILITARY

CHAPTER 324

HOUSE BILL NO. 1069

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

AN ACT to create and enact a new chapter to title 37 of the North Dakota Century Code, relating to the pay and benefits received by national guard members; to amend and reenact subsection 9 of section 37-17.1-05 of the North Dakota Century Code, relating to response to disasters or emergencies; and to repeal sections 37-04-08, 37-04-09, 37-04-11, 37-04-12, 37-04-13, and 37-07-05 of the North Dakota Century Code, relating to expenses and pay of officer and enlisted members of the national guard; and to declare an emergency.

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:

37-04.1-01. Pay and allowances of national guard members - Deductions allowed.

1. Each officer and enlisted member of the national guard, when called to state active duty by the governor, is entitled to receive pay and allowances at the highest rate provided for national guard members of the same grade in the national guard of the United States, except any enlisted member serving in a grade below E-3 will be paid the same as an enlisted member serving in the grade of E-3, and the daily pay rate for each of the grades listed must be increased as follows:
 - a. E-3 - fifty-five percent.
 - b. E-4 - forty-five percent.
 - c. E-5 - thirty-five percent.
 - d. E-6 - twenty-five percent.
 - e. E-7 - fifteen percent.
 - f. E-8 - ten percent.
2. If ordered by the governor in response to an emergency management assistance compact request and the requesting state pays state active duty pay at a higher rate than this state, national guard officers and enlisted members may receive the higher rate of pay when this state is reimbursed at the higher rate.

3. Each officer and enlisted member of the national guard is entitled to receive transportation, shelter, and subsistence. The value of articles issued to any national guard member and not returned in good order on demand, and all legal fines or forfeitures, may be deducted from the member's pay.
4. Each officer and enlisted member of the national guard is entitled to receive a state active duty pay enhancement of three hundred dollars for every month spent on state active duty or a prorated amount for each day of state active duty up to three hundred dollars per month.
5. Each officer and enlisted member of the national guard, when called to state active duty by the governor, is entitled to receive the same incentive pay that an officer or enlisted member of the same grade and rating would be eligible to receive if called to active duty under federal authority in service of the United States, not to exceed the monthly amount authorized for the incentive under federal law.
6. Commissioned officers and enlisted members serving on state active duty for more than fourteen days may, at the discretion of their commanding officer, receive pay for necessary rest and recovery while on duty if it is deemed necessary to ensure the national guard members' readiness to perform assigned duties while on state active duty.

37-04.1-02. Expenses allowed officers and enlisted members of national guard.

Officers or enlisted members of the national guard when called into state active duty by the governor must be reimbursed for traveling and incidental expenses at the same rate provided by law for other state officials. The adjutant general may authorize the purchase of meals or rations for officers or enlisted members of the national guard in a duty or travel status in lieu of individual reimbursement for meals.

37-04.1-03. Pay of national guard members serving on boards, commissions, and courts.

An officer or enlisted member of the national guard detailed to serve on any board or commission ordered by the governor, or under the governor's authority by the commanding officer of the national guard, or on any court of inquiry or court-martial ordered by proper authority under any provision of this title, is entitled to receive pay and allowances at the highest rate provided for national guard members of the same grade in the national guard of the United States for each day that officer or enlisted member is actually employed on the board or court, or engaged in the business of the board or court, including any day the officer or enlisted member is traveling to and from the board or court. The sum received may not exceed ten days' pay and the actual traveling expenses and subsistence unless, upon application of the president of the court-martial or the presiding officer of the board, the officer appointing the court or board has authorized the court or board to sit for a longer period, or in case of a court-martial, the governor or officer ordering the court has authorized the court to sit for a period longer than ten days.

37-04.1-04. Pay and allowances allowed national guard called to service under federal authority.

An officer or enlisted member of the national guard ordered to active duty under federal authority, while so assigned, must receive the pay and allowances authorized under federal law.

¹⁹¹ **SECTION 2. AMENDMENT.** Subsection 9 of section 37-17.1-05 of the North Dakota Century Code is amended and reenacted as follows:

9. The governor may authorize the adjutant general to recall to state active duty, on a volunteer basis, former members of the North Dakota national guard. Those recalled must possess the qualifications required by the disaster or emergency. Recall under this subsection is effective only for the duration of the disaster or emergency and recalled personnel will be released from state active duty upon competent authority that the requirement of their service under this subsection has passed. Compensation for personnel recalled under this subsection will be based upon section 37-07-0537-04.1-01.

SECTION 3. REPEAL. Sections 37-04-08, 37-04-09, 37-04-11, 37-04-12, 37-04-13, and 37-07-05 of the North Dakota Century Code are repealed.

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

Approved March 14, 2023

Filed March 15, 2023

¹⁹¹ Section 37-17.1-05 was also amended by section 1 of House Bill No. 1167, chapter 332.

CHAPTER 325

HOUSE BILL NO. 1109

(Representatives Cory, Karls, Klemin)
(Senators Meyer, Vedaa)

AN ACT to amend and reenact section 37-01-01 of the North Dakota Century Code, relating to military definitions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

37-01-01. Definitions.

In this title, unless the context otherwise requires:

1. "Active militia" means the organized and uniformed military forces of this state known as the "North Dakota national guard" and the reserve militia when called to active service.
2. "Active service" means state active duty in case of public disaster, riot, tumult, breach of the peace, resistance of process, or the threat thereof, whenever called in aid of civil authorities, or under martial law, or at encampments, whether ordered by state or federal authorities, and includes the performance of any other duty requiring the entire time of the organization or person, except when called or drafted into the federal service by the president of the United States. The term includes service in case of, or to prevent, insurrection, riot, or invasion under the order of the commander in chief communicated through proper military channels.
3. "Adjutant general coin" means a coin or medallion bearing the state's adjutant general's organization insignia or emblem.
4. "Armed forces" means army, marine corps, navy, air force, space force, and coast guard.
5. "Disaster response coin" means a coin or medallion bearing a design to commemorate the response during a state disaster or emergency.
6. "Military" means armed forces.
- ~~5-7.~~ "Military forces of this state" means those individuals in the active militia.
- ~~6-8.~~ "Militia" means a group of individuals defined in the Constitution of North Dakota.
- ~~7-9.~~ "National guard" means that part of the military forces of this state which is organized, equipped, and federally recognized under the provisions of the National Defense Act, as amended, of the United States as the "national

guard, air national guard, of the United States and the state of North Dakota". The term includes also the term "national guard of the state of North Dakota".

~~8-10.~~ "On duty" includes periods of drill and of such other training and service as may be required under state or federal law, regulation, or order.

~~9-11.~~ "Reserve militia" consists of all those individuals who are subject to service in the active militia and who are not serving in the national guard of this state.

~~40-12.~~ "State active duty" means active service on behalf of the state under authority of the governor at the expense of the state.

~~44-13.~~ "State defense force" means the group of individuals in the reserve militia in state active duty under chapter 37-12.1.

14. "Uniformed services" means the armed forces, national oceanic and atmospheric administration commissioned officer corps, and the commissioned corps of the United States public health service.

Approved March 14, 2023

Filed March 15, 2023

CHAPTER 326

SENATE BILL NO. 2095

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

AN ACT to amend and reenact sections 37-01-03, 37-01-43, and 37-07.3-03 of the North Dakota Century Code, relating to the operation 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, governing the armed forces of the United States ~~as codified in~~ and the Manual for Courts-Martial, United States, 2019 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, ~~2020~~2022.

SECTION 3. AMENDMENT. Section 37-07.3-03 of the North Dakota Century Code is amended and reenacted as follows:

37-07.3-03. Trust fund use.

The principal, interest, and income from the national guard training area and facility development trust fund must be used by the adjutant general solely for training area acquisition and facility development; provided the principal, and any interest and income which the fund accrues from July 1, 2019, through June 30, ~~2023~~2029, must be used solely for the acquisition or lease of land for national guard training purposes at Camp Gilbert C. Grafton training center and the expenditure, in conjunction with federal matching funds, for the construction of new national guard armories.

Approved March 14, 2023

Filed March 15, 2023

CHAPTER 327

HOUSE BILL NO. 1193

(Representatives Pyle, Cory, J. Olson, Roers Jones, Warrey)
(Senators Bekkedahl, Meyer, Patten, Wobbema)

AN ACT to amend and reenact section 37-01-25 of the North Dakota Century Code, relating to leave of absence without loss of pay for military duties.

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 ~~thereof~~ this state who:

1. Are members of the national guard;
2. Are members of the armed forces reserve of the United States of America;
3. Shall be subject to call in the federal service by the president of the United States; or
4. Shall volunteer for such service,

when ordered by proper authority to active noncivilian employment for any military duty, are entitled to a leave of absence from such civil service for the period of such active service or military duty including traveling to and from a duty station without loss of status or efficiency rating. If such persons have been in the continuous employ of the state or political subdivision for ninety days immediately preceding the leave of absence, they shall receive twenty workdays each calendar year without loss of pay. In addition, any 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 less any other paid leave of absence which may have been granted during the calendar year pursuant to this section. ~~However, if leave is required for weekend, daily, or hourly periods of drill for any military training 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 off with a concurrent loss of pay for the period missed or must be given, the use of leave of absence without loss of pay for the period missed, or an opportunity to reschedule the workperiod so that the reserve or national guard weekend, daily, or hourly drill or period of training military duty or travel to and from a duty station occurs during time off from work without loss of status or efficiency rating.~~

Approved March 14, 2023

Filed March 15, 2023

CHAPTER 328

SENATE BILL NO. 2094

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

AN ACT to create and enact a new section to chapter 37-07.2 of the North Dakota Century Code, relating to the expansion of the national guard tuition grants to include out-of-state postsecondary education institutions; and to provide a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 37-07.2 of the North Dakota Century Code is created and enacted as follows:

National guard member grants - Eligibility for use for out-of-state postsecondary education institutions - Terms - Report.

1. Subject to legislative appropriation and regulations adopted by the adjutant general, a qualifying member of the national guard who enrolls in an accredited postsecondary education institution which is located outside of the state, may receive a grant in an amount not to exceed one hundred percent of the cost of tuition and fees for similar courses and credit hours for a qualifying member of the national guard who is enrolled in the North Dakota university system with the highest tuition and fee rate.
2. The adjutant general shall adopt regulations for distributing grants under this section and establishing qualification requirements for grant recipients.
3. A member of the national guard may receive a grant under this section if the member maintains satisfactory performance with the national guard, meets the qualification requirements of the regulations adopted under this section, and pursues a course of study satisfying the normal requirements of the postsecondary institution in which the member is enrolled.
4. For purposes of this section, "out-of-state" includes any online or remote course of study offered by an accredited postsecondary education institution located outside the state of North Dakota.
5. Before June 1, 2024, the national guard shall provide a report to the legislative management regarding tuition grant usage, including the number of grants awarded for the use at out-of-state institutions and grants awarded for online or remote coursework.

Approved April 24, 2023

Filed April 24, 2023

CHAPTER 329

SENATE BILL NO. 2204

(Senators Meyer, Clemens, Larsen, Wobbema)
(Representatives Pyle, M. Ruby)

AN ACT to amend and reenact sections 37-14-01.1, 37-14-03.3, and 37-14-04 of the North Dakota Century Code, relating to veterans' relief and rehabilitation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. 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~~:
 - a. An individual who served in the armed forces of the United States on federal active duty:
4. (1) For reasons other than training and who has been discharged under other than dishonorable conditions; or
2. (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 2. AMENDMENT. Section 37-14-03.3 of the North Dakota Century Code is amended and reenacted as follows:

37-14-03.3. Revolving fund.

The moneys in the permanent revolving fund of the veterans' aid fund are available for:

1. Making loans to any veteran and to a surviving spouse of a veteran ~~if the spouse has not remarried;~~
2. Collecting loans if in the opinion of the department a person has the financial means to repay and that person deliberately refuses to repay; and
3. Paying administrative expenses related to the making and collection of loans made from the fund.

SECTION 3. 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 ~~if the spouse has not remarried~~. A qualified applicant may be permitted to receive more than one loan providing the total amount of all loans does not exceed five thousand dollars.

Approved March 14, 2023

Filed March 15, 2023

CHAPTER 330

HOUSE BILL NO. 1389

(Representatives Hanson, Kiefert, Pyle, Schauer)
(Senators Bekkedahl, Weber, Wobbema)

AN ACT to amend and reenact section 37-15-02 of the North Dakota Century Code, relating to the provision of basic and long-term care to service members and veterans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-15-02 of the North Dakota Century Code is amended and reenacted as follows:

37-15-02. Object of veterans' home.

The object of the veterans' home is to provide basic care as defined under chapter 23-09.3 and long-term care as defined under chapter 23-16 for:

1. All veterans as defined in section 37-01-40 ~~and all honorably discharged soldiers;~~
2. All service members of the North Dakota United States armed forces, national guard who heretofore or hereafter, or reserve who were discharged or released under other than dishonorable conditions and who do not meet the definition of a veteran but who are or may become permanently disabled from any cause while in line and discharge of duty, and who are enrolled in veterans' affairs health care before admission to the veterans' home; and
- ~~2.3.~~ The spouses and spouse or surviving spouses of those mentioned in subsection 1 if they meet spouse of an individual in subsection 1 or 2 if the spouse or surviving spouse meets the requirements for admission under section 37-15-10.

Approved March 23, 2023

Filed March 23, 2023

CHAPTER 331

HOUSE BILL NO. 1070

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

AN ACT to create and enact three new sections to chapter 37-17.1 of the North Dakota Century Code, relating to the establishment and administration of a hazard mitigation revolving loan fund; to amend and reenact subsection 12 of section 54-16-04.1 of the North Dakota Century Code, relating to emergency commission authorizations; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Three new sections to chapter 37-17.1 of the North Dakota Century Code are created and enacted as follows:

Hazard mitigation revolving loan fund - Purposes - Establishment - Continuing appropriation.

There is created a hazard mitigation revolving loan fund to coordinate funding for hazard mitigation activities in North Dakota. The department of emergency services will administer this fund in accordance with the Safeguarding Tomorrow through Ongoing Risk Mitigation Act [Pub. L. 116-284; 134 Stat. 4869]. Grants from the federal government or its agencies, including the federal emergency management agency, provided to the state for the capitalization of the hazard mitigation revolving loan fund, and required state matching funds, must be deposited in the hazard mitigation revolving loan fund in compliance with the terms of the grants. The principal of the grants must remain available for providing financial assistance as allowed under the Safeguarding Tomorrow through Ongoing Risk Mitigation Act [Pub. L. 116-284; 134 Stat. 4869]. All moneys placed in the fund under this section are appropriated to the department on a continuing basis. When moneys in the revolving loan fund are not required for current expenditures, they must be invested in interest-bearing obligations.

Department - Powers and duties - Administration.

The department of emergency services shall administer the hazard mitigation revolving loan fund and has the following powers and duties:

1. Apply for and accept grants of money from the United States federal emergency management agency or other federal agencies. Grant funds must be deposited in the hazard mitigation revolving loan fund to be used for purposes authorized under the Safeguarding Tomorrow through Ongoing Risk Mitigation Act [Pub. L. 116-284; 134 Stat. 4869], including:
 - a. Provide loans or loan guarantees, or other financial assistance, to local governments for projects eligible for assistance from the revolving loan fund.

- b. If the bond proceeds are deposited in the revolving loan fund, act as a source of revenue and security for the payment of principal and interest on bonds issued by the state.
 - c. Provide other financial and technical assistance and to make any other expenditure authorized under federal law.
 - d. Earn interest before the disbursement of financial or technical assistance.
 - e. Pay administrative expenses associated with the revolving loan fund as authorized under the Safeguarding Tomorrow through Ongoing Risk Mitigation Act [Pub. L. 116-284; 134 Stat. 4869].
2. Enter into contracts and other agreements to implement the hazard mitigation revolving loan fund. The department may combine the financial administration of the hazard mitigation revolving loan fund with the financial administration of the drinking water treatment revolving loan fund established under section 61-28.1-11 and the water pollution control revolving loan fund established under chapter 61-28.2.
3. Administer and disburse funds in accordance with the Safeguarding Tomorrow through Ongoing Risk Mitigation Act [Pub. L. 116-284; 134 Stat. 4869].
4. Establish assistance priorities and expend grant funds pursuant to the priority list for the hazard mitigation revolving loan fund.

Hazard mitigation revolving loan fund - 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 provided for the implementation of the hazard mitigation revolving loan fund. 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. After the state receives approval from the federal emergency management agency to fund projects that utilize the hazard mitigation revolving loan fund, 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 mitigation activities; and
 - c. If required, authority to spend additional state and federal funds for the mitigation program.
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 hazard mitigation revolving loan fund and report on the implementation of the loan fund on an annual basis. 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.

¹⁹² **SECTION 2. AMENDMENT.** Subsection 12 of section 54-16-04.1 of the North Dakota Century Code is amended and reenacted as follows:

12. Subsections 10 and 11 do not apply to federal highway administration emergency relief funding received by the state or to disaster or emergency recovery funding received by the state pursuant to ~~section 37-17.1-23~~chapter 37-17.1.

Approved April 12, 2023

Filed April 13, 2023

¹⁹² Section 54-16-04.1 was also amended by section 1 of Senate Bill No. 2029, chapter 472.

CHAPTER 332

HOUSE BILL NO. 1167

(Representatives Vetter, Motschenbacher, Rohr, D. Ruby, M. Ruby, Schauer, Steiner)
(Senators Barta, Luick, Paulson, Vedaa, Wobbema)

AN ACT to create and enact a new subsection to section 37-17.1-05 of the North Dakota Century Code, relating to the governor's authority regarding polling places during a declared state of disaster or emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁹³ **SECTION 1.** A new subsection to section 37-17.1-05 of the North Dakota Century Code is created and enacted as follows:

The governor may not issue an executive order that suspends or amends a provision in a statute, order, or rule relating to a state or local requirement regarding minimum number of physical polling places.

Approved April 6, 2023

Filed April 10, 2023

¹⁹³ Section 37-17.1-05 was also amended by section 2 of House Bill No. 1069, chapter 324.

CHAPTER 333

HOUSE BILL NO. 1071

(Political Subdivisions Committee)
(At the request of the Adjutant General)

AN ACT to amend and reenact section 37-17.1-07 of the North Dakota Century Code, relating to local or regional emergency management organizations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-17.1-07 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-07. Local or ~~regional~~multicounty emergency management organizations.

1. All areas of the state are within the jurisdiction of and must be served by the division of homeland security ~~and~~ by a local or ~~regional~~multicounty emergency management organization.
2. Each county shall maintain an emergency management organization that serves the entire county or must be a member of a ~~regional~~multicounty emergency management organization that serves more than one county ~~or must be a member of the state regional emergency management program.~~
3. Each city shall provide an emergency management organization of its own, or it shall participate in the countywide emergency management organization. Each governing board of a city shall make its determination ~~on the basis of~~based on the city's emergency management requirements, hazards, capabilities, and resources. If a city provides an emergency management organization of its own, the city and county shall coordinate the city and county emergency plans.
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 of the manner in which the city and the county are providing or securing emergency management activities, identify each individual who will coordinate the activities of the local emergency management organization, and furnish additional information relating thereto as the division requires.
5. Each local or ~~regional~~multicounty emergency management organization shall prepare and keep current a local disaster or emergency operational plan for its area.
6. Each local or ~~regional~~multicounty emergency management organization shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the disaster or emergency responsibilities of their local agencies and officials.

7. Each local emergency management organization that is a member of the state regional emergency management program shall compensate the state an amount not to exceed fifty percent of the regional coordinator's salary and benefits. If multiple counties within a region participate in the state regional emergency management program, the amount of compensation to the state will be proportioned based on population.

Approved March 14, 2023

Filed March 15, 2023

CHAPTER 334

HOUSE BILL NO. 1053

(Political Subdivisions Committee)
(At the request of the Adjutant General)

AN ACT to amend and reenact section 37-17.1-10.1 of the North Dakota Century Code, relating to burn restrictions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-17.1-10.1 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-10.1. Burn ~~ban~~restrictions - Penalty.

An order or proclamation under section 37-17.1-10 which includes a ~~ban~~restriction on open burning may provide for a penalty for a violation of the ~~ban~~restriction through a citation, a criminal complaint, or an information through the district court in the county in which the offense occurred. An individual who willfully violates a burning ~~ban~~restriction established by a local order or proclamation under this section is guilty of a class B misdemeanor.

Approved March 14, 2023

Filed March 15, 2023

CHAPTER 335

SENATE BILL NO. 2117

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

AN ACT to repeal section 37-17.3-11 of the North Dakota Century Code, relating to the statewide seamless base map fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 37-17.3-11 of the North Dakota Century Code is repealed.

Approved March 14, 2023

Filed March 15, 2023

CHAPTER 336

HOUSE BILL NO. 1182

(Representatives M. Ruby, Bellew, Kasper, Martinson, Steiner)
(Senators Dever, Larsen, Meyer, Paulson, Wobbema)

AN ACT to create and enact a new section to chapter 37-18 of the North Dakota Century Code, relating to reimbursement for funeral services; and to provide an appropriation.

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:

Veterans' service organization reimbursement.

1. The department shall administer a program to reimburse a veterans' service organization for providing a funeral service at a military honors funeral.
2. Upon the request of a veterans' service organization, the department shall reimburse up to fifty dollars to one veterans' service organization per funeral for providing a funeral service during a military honors funeral. If a veterans' service organization has received federal reimbursement for providing a funeral service for a military honors funeral, the veterans' service organization may not apply for reimbursement under this section.
3. The veterans' service organization may authorize the playing of taps on a ceremonial bugle or a high-quality recording during a military honors funeral held in this state for a deceased veteran.
4. As used in this section, a "funeral service" includes a:
 - a. Folding of the flag;
 - b. Presentation of the flag;
 - c. Presentation of the state coin;
 - d. Playing of taps; and
 - e. Three volley salute.

SECTION 2. APPROPRIATION - DEPARTMENT OF VETERANS' AFFAIRS - FUNERAL SERVICE REIMBURSEMENT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$135,000, or so much of the sum as may be necessary, to the department of veterans' affairs for the purpose of providing reimbursement to a veterans' service organization that provides a funeral service under section 1 of this Act, for the biennium beginning July 1, 2023, and ending June 30, 2025.

Approved April 11, 2023

Filed April 12, 2023

CHAPTER 337

HOUSE BILL NO. 1222

(Representatives Stemen, Cory, Dockter, Klemin, Mitskog, Mock, O'Brien, Pyle, M. Ruby)
(Senators Kreun, Meyer, Vedaa)

AN ACT to amend and reenact section 37-19.1-01 and subsection 1 of section 37-19.1-02 of the North Dakota Century Code, relating to the definition of a veteran and required documentation when claiming veterans' preference for employment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁹⁴ **SECTION 1. AMENDMENT.** Section 37-19.1-01 of the North Dakota Century Code is amended and reenacted as follows:

37-19.1-01. Definitions.

As used in this chapter:

1. "Agency" or "governmental agency" means all political subdivisions and the state, including any state agency, board, bureau, commission, department, officer, and any state institution or enterprise authorized to employ individuals either temporarily or permanently.
2. "Chief deputy" means the individual who is appointed by an elected or appointed official under express statutory authority to hire a chief deputy and who is authorized to act on behalf of that official. The term does not include an individual appointed to a position that must be filled under a competitive personnel system.
3. "Competitive personnel system" means a system that rates applicants for a position using an objective set of skills, knowledge, abilities, behaviors, or other characteristics required for the position.
4. "Disabled veteran" means a veteran who is found to be entitled to a service-connected disability rating as determined by the United States veterans' administration.
5. "Justifiable cause" means grounds for action that are in accord with sufficient reason that can be justified or defended as correct. Justifiable cause not to hire a veteran must be something specific to that individual which renders the individual unsuitable for the position.
6. "Political subdivision" means counties, cities, townships, and any other governmental entity created by state law which employs individuals either temporarily or permanently.

¹⁹⁴ Section 37-19.1-01 was also amended by section 1 of House Bill No. 1250, chapter 338.

7. "Private secretary" means the individual who is appointed by an elected or appointed official under express legal authority to hire a private secretary or administrative assistant and who is authorized to handle correspondence, keep files, schedule appointments, and do other clerical work of a more personal and confidential nature for that official, but does not include an individual appointed to a position that must be filled under a competitive personnel system.
8. "Veteran" means an individual who:
 - a. Is a veteran as defined in subsection 1 of section 37-01-40; or
 - b. ~~Has serving in or has~~ been honorably discharged from the national guard or a reserve unit ~~located within North Dakota and:~~
 - (1) ~~Has completed a minimum of twenty years of service; or~~
 - (2) ~~Served in a combat zone.~~

SECTION 2. AMENDMENT. Subsection 1 of section 37-19.1-02 of the North Dakota Century Code is amended and reenacted as follows:

1. Veterans are entitled to preference, over all other applicants, in recruitment and selection processes by governmental agencies, provided that such veteran is a United States citizen at the time of application for employment. Veterans qualified for preference may not be disqualified from holding any position with an agency because of physical or mental disability, unless the disability renders them unable to properly perform the duties of the position applied for. To receive veterans' preference, an applicant must submit the following documentation:
 - a. An applicant claiming veterans' preference shall provide a copy of report of separation DD-214 or certification from the applicant's unit command that the individual is expected to be discharged or released from active duty in the uniformed services under other than dishonorable conditions not later than one hundred twenty days after the date of the submission of the certification.
 - b. An applicant claiming disabled veterans' preference shall provide a copy of report of separation DD-214 and a letter less than one year old from the veterans' administration indicating the veteran's disability status.
 - c. An applicant claiming veterans' preference as an eligible spouse of a deceased veteran shall provide a copy of the marriage certificate, the veteran's report of separation DD-214, and the veteran's death certificate.
 - d. An applicant claiming disabled veterans' preference as an eligible spouse of a disabled veteran shall provide a copy of the marriage certificate, the veteran's report of separation DD-214, and a letter less than one year old from the veterans' administration indicating the veteran's disability status.

Approved March 23, 2023

Filed March 23, 2023

CHAPTER 338

HOUSE BILL NO. 1250

(Representatives Stemen, Boschee, Dockter, Hagert, Heinert, Roers Jones, M. Ruby, Swiontek)
(Senators Meyer, Patten, K. Roers, Vedaa)

AN ACT to amend and reenact sections 37-19.1-01 and 37-19.1-04 of the North Dakota Century Code, relating to the definition of designated electronic communication and the procedural requirements for refusing veterans preference.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁹⁵ **SECTION 1. AMENDMENT.** Section 37-19.1-01 of the North Dakota Century Code is amended and reenacted as follows:

37-19.1-01. Definitions.

As used in this chapter:

1. "Agency" or "governmental agency" means all political subdivisions and the state, including any state agency, board, bureau, commission, department, officer, and any state institution or enterprise authorized to employ individuals either temporarily or permanently.
2. "Chief deputy" means the individual who is appointed by an elected or appointed official under express statutory authority to hire a chief deputy and who is authorized to act on behalf of that official. The term does not include an individual appointed to a position that must be filled under a competitive personnel system.
3. "Competitive personnel system" means a system that rates applicants for a position using an objective set of skills, knowledge, abilities, behaviors, or other characteristics required for the position.
4. "Disabled veteran" means a veteran who is found to be entitled to a service-connected disability rating as determined by the United States veterans' administration.
5. "Designated electronic communication" means an agreed electronic system of communication used by a governmental agency and applicant as the designated official means of communicating nonselection. The designated electronic communication must include the applicant's electronic mail address. The term includes an electronic system for the transmittal and receipt of appeals to the department of veterans' affairs or a governmental agency and is limited to an electronic communication that provides notice to a sender that the communication has been delivered.

¹⁹⁵ Section 37-19.1-01 was also amended by section 1 of House Bill No. 1222, chapter 337.

6. "Justifiable cause" means grounds for action that are in accord with sufficient reason that can be justified or defended as correct. Justifiable cause not to hire a veteran must be something specific to that individual which renders the individual unsuitable for the position.
- 6-7. "Political subdivision" means counties, cities, townships, and any other governmental entity created by state law which employs individuals either temporarily or permanently.
- 7-8. "Private secretary" means the individual who is appointed by an elected or appointed official under express legal authority to hire a private secretary or administrative assistant and who is authorized to handle correspondence, keep files, schedule appointments, and do other clerical work of a more personal and confidential nature for that official, but does not include an individual appointed to a position that must be filled under a competitive personnel system.
- 8-9. "Veteran" means an individual who:
- a. Is a veteran as defined in subsection 1 of section 37-01-40; or
 - b. Has been honorably discharged from the national guard or a reserve unit located within North Dakota and:
 - (1) Has completed a minimum of twenty years of service; or
 - (2) Served in a combat zone.

SECTION 2. AMENDMENT. Section 37-19.1-04 of the North Dakota Century Code is amended and reenacted as follows:

37-19.1-04. Refusal to give preference - Retaliatory action or removal - Remedies - Procedures.

1. If a veteran, or a qualified veteran's spouse, hereafter known as the applicant, is not given the preference provided in section 37-19.1-02 or 37-19.1-03, the applicant, within fifteen calendar days after receipt of notification by certified mail or through ~~the online recruiting solution system~~ a designated electronic communication that employment has been refused, may request a hearing as provided in subsection 3. The notification from the employer must include the reasons for nonselection, inform the applicant of the right to an appeal hearing, inform the applicant of the requirement that the request for a hearing must be filed by certified mail or designated electronic communication within fifteen calendar days after the notification, inform the applicant that a request for an appeal hearing must be made to the commissioner of veterans' affairs at the included commissioner's mailing address or electronic mail address, and inform the applicant that if the applicant requests an appeal, the applicant must provide by mail or designated electronic communication a copy of the request for an appeal hearing to the employer or employing agency. The applicant's request for a hearing must be in writing, must include a copy of the employer's notification that employment has been refused, and must be ~~mailed~~ submitted to the commissioner of veterans' affairs by certified mail or electronic means designated by the commissioner. A copy of the written request must be ~~mailed~~ provided to the employer or employing agency by certified mail or electronic means designated by the employer or employing agency. The applicant is entitled to immediate employment in the position for

which application was originally made, or an equivalent position, together with backpay and benefits from the date the appointment should have been made less amounts otherwise earnable through due diligence, if the hearing officer finds in favor of the applicant.

2. Any person who has exercised the right to an employment preference under this chapter, and who, within one year after exercise of that right:
 - a. Is discharged;
 - b. Has had compensation reduced; or
 - c. Is otherwise subject to action by the employing agency designed to cause the veteran or qualified veteran's spouse to resign or quit employment, is entitled to a hearing if the person believes that the employing agency took any of the above-described action due to the exercise of employment preference. The hearing must be held before a hearing officer as provided in subsection 3. If the hearing officer finds that the employing agency took any of the actions described in subdivision a, b, or c due to the person's exercise of the right to an employment preference, the hearing officer shall order the employing agency to cease and desist from such action or to reinstate the veteran or qualified veteran's spouse. The request for a hearing under this subsection must be in writing addressed to the commissioner of veterans' affairs. The request for a hearing must identify the employer or employing agency that took any action described in subdivision a, b, or c and describe the action taken. A copy of the written request must be mailed to the employer or employing agency. The request, addressed to the commissioner of veterans' affairs and the copy to the employer or employing agency, must be made by certified mail within fifteen calendar days after any action described in subdivision a, b, or c is taken by the employing agency.
3. Within fifteen calendar days after receiving a request from an applicant or person under subsection 1 or 2, the commissioner of veterans' affairs may request the director of the office of administrative hearings to designate a hearing officer to hear the grievance arising under subsection 1 or 2. The commissioner shall notify the employer or employing agency that a request for a hearing has been made. The office of administrative hearings is entitled to be reimbursed by the employer or employing agency for all hearing officer services rendered and expenses incurred in performing these duties. The hearing officer shall hold the hearing within thirty calendar days after the hearing officer request is received by the director of the office of administrative hearings. Notwithstanding the time limitation, the hearing officer may postpone or continue the hearing for good cause, at the request of a party. At the hearing, both parties may be represented by counsel. If the hearing is requested pursuant to subsection 1, the employing agency has the burden of proving that the veteran or the qualified veteran's spouse did not possess the qualifications required for the position. If the hearing is requested pursuant to subsection 2, the employing agency has the burden of proving that any action which was taken was not taken because of exercise of the right to an employment preference. The hearing officer shall issue findings of fact, conclusions of law, and an order within fifteen calendar days after the hearing is concluded, briefs filed, and arguments closed. The order is binding on both parties, subject to appeal.

4. Any party aggrieved by the findings of fact, conclusions of law, and order of the hearing officer may appeal in the manner provided for in chapter 28-32, except that the appellant need not execute an undertaking.

Approved March 15, 2023

Filed March 16, 2023