

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1079

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

- 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.

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.

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

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

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

6 1. Program components.

- 7 a. The governor shall appoint members of the state emergency response
8 commission to carry out the commission's responsibilities as outlined in Public
9 Law 99-499, 42 U.S.C. 11001, et seq., also referred to as SARA title III, and the
10 responsibilities of the commission members as outlined in the North Dakota
11 emergency operations plan.
- 12 b. In conjunction with the state emergency response commission, the local
13 emergency planning committees, as appointed by the boards of county
14 commissioners, and the local emergency management organizations shall
15 coordinate the development and maintenance of a state hazardous chemicals
16 preparedness and response program.
- 17 c. The director of the division of homeland security and emergency management
18 shall serve as the chairman of the state emergency response commission. In the
19 absence of the chairman, the designated vice chairman shall serve as chairman.
20 The state emergency response commission by vote will select the vice chairman
21 to fulfill a two-year term. The chairman shall recognize the assignment of
22 representatives to the commission who are designated through a delegation of
23 authority by a member. The chairman shall designate a commission secretary,
24 solely for the purpose of documenting and distributing clerical proceedings, from
25 the staff of the division of homeland security and emergency management.
- 26 d. For the purpose of complying with the reporting requirements set forth in
27 sections 302, 304, 311, 312, and 313 of Public Law 99-499, 42 U.S.C. 11001,
28 et seq., also referred to as SARA title III, the owner and operator of any facility, as
29 defined in SARA title III, shall submit those reports to the North Dakota division of
30 homeland security and emergency management as required by SARA title III,
31 which shall establish and maintain the state repository for these reports.

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

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

14 2. Establishment of funds.

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

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

15 d. The owners or operators of family farm enterprises that are not engaged in the
16 retail or wholesale of hazardous chemicals and facilities owned by the state or
17 local governments are exempt from the fee under subdivision c. For purposes of
18 this section, the terms "family farm" and "farmer" have the same meaning as set
19 forth in section 6-09.11-01.

20 e. The state and county governments are authorized to accept and may deposit
21 grants, gifts, and federal funds into the hazardous chemicals preparedness and
22 response fund and accounts for the purpose of carrying out the hazardous
23 chemicals preparedness and response programs to include training, exercising,
24 equipment, response, and salaries, and local emergency planning committee
25 member stipends not to exceed thirty percent of state per diem per meeting
26 attended. In lieu of stipends the committee chairman may provide a meal or
27 refreshments other than alcoholic beverages.

28 f. "Hazardous chemical" means as defined in title 40, Code of Federal Regulations,
29 part 355.20 and title 29, Code of Federal Regulations, part 1910.1200.

30 g. The state hazardous chemicals fee system does not supersede a city fee system
31 for hazardous chemicals.

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

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

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

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

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

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

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:

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

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

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

12 **37-17.1-22. Disaster or emergency response and recovery costs.**

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

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

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

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

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

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

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

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

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

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

- 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.

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

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

1. The director shall establish the appropriate fees for access to the state radioemergency 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 radioemergency communications center broadcasting system operating account. The state radioemergency 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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