

MILITARY

CHAPTER 286

SENATE BILL NO. 2097

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

AN ACT to amend and reenact sections 37-01-43 and 37-03-02, subsection 8 of section 37-26-01, subsection 6 of section 37-28-02, and section 37-28-03 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 37-01-43 of the North Dakota Century Code is amended and reenacted as follows:

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

A person 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. sections 3901-4043] in effect on December 31, 2018.

SECTION 2. AMENDMENT. Section 37-03-02 of the North Dakota Century Code is amended and reenacted as follows:

37-03-02. Assistant adjutants general - Appointment - Qualifications - Duties.

An assistant adjutant general for army, an assistant adjutant general for air force, and other assistant adjutants general authorized by a table of organization prescribed by the laws or regulations of the United States may be appointed by the governor upon the recommendation of the adjutant general. Each assistant adjutant general must have had not less than ~~five~~three years' commissioned service in the North Dakota national guard immediately preceding the appointment and must have attained the rank of lieutenant colonel. Upon appointment, each assistant adjutant general must have the rank as is consistent with federal laws and regulations. The assistant adjutant general for army and the assistant adjutant general for air force have general supervision over the training of the troops and the administration of the affairs of their respective departments. An assistant adjutant general for the department of military records may be appointed by the governor upon recommendation of the adjutant general from among the active or retired officers of the North Dakota national guard. The assistant adjutant general for military records must have the rank as-is consistent with experience and length of service.

SECTION 3. AMENDMENT. Subsection 8 of section 37-26-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Veteran" means a member of the national guard or reserve component who was activated under 10 U.S.C. ~~67312301~~, in effect on December 31, 2011, or 10 U.S.C. ~~673(b)12302~~, in effect on October 28, 2004, and who completed honorable and faithful service of more than thirty days on active duty in the armed forces of the United States at any time during the period of service, who was a resident of the state of North Dakota, and who has not received bonus or adjusted compensation from another state for the period of service.

SECTION 4. AMENDMENT. Subsection 6 of section 37-28-02 of the North Dakota Century Code is amended and reenacted as follows:

6. "Period of service" means the period of time beginning December 5, 1992, and ending June 30, ~~2019~~2021.

SECTION 5. AMENDMENT. Section 37-28-03 of the North Dakota Century Code is amended and reenacted as follows:

37-28-03. Payment of adjusted compensation for domestic and foreign service.

Each national guard or reserve component resident veteran mobilized stateside is entitled to fifty dollars for each month or major fraction thereof for domestic service. Each national guard, reserve, or active component resident veteran of foreign service who received the expeditionary medal or campaign badge is entitled to one hundred dollars for each month or major fraction thereof. If the veteran received a purple heart for foreign service, the veteran is entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted compensation related to the mobilization during which the purple heart was earned. If the veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter to which the veteran would have been entitled. Applications for adjusted compensation may be filed with the adjutant general through June 30, ~~2019~~2021, or in the case of a soldier mobilized on June 30, ~~2019~~2021, not later than six months after the end of the mobilization period of service.

Approved March 8, 2019

Filed March 8, 2019

CHAPTER 287

HOUSE BILL NO. 1101

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

AN ACT to create and enact section 37-03-18 of the North Dakota Century Code, relating to the adjutant general's program supporting North Dakota national guard service members, veterans, families, and survivors, and the ability to accept funds for this purpose; to provide a continuing appropriation; and to provide for a report to the budget section.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 37-03-18 of the North Dakota Century Code is created and enacted as follows:

37-03-18. North Dakota national guard service member, veteran, family, and survivor support program - Administration - Continuing appropriation - Report to budget section.

The adjutant general shall establish and operate the North Dakota national guard service member, veteran, family, and survivor support program. The adjutant general may accept and expend funds from the North Dakota national guard foundation or any similar foundation, offered or tendered, for the benefit of the North Dakota national guard service member, veteran, family, and survivor support program. There is a special fund known as the North Dakota national guard service member, veteran, family, and survivor support fund. All moneys received and accepted from the North Dakota national guard foundation or any similar foundation under this section must be deposited in the fund, and are appropriated on a continuing basis to the adjutant general to be used for the North Dakota national guard service member, veteran, family, and survivor support program. The expenditures from the fund may not exceed five hundred thousand dollars per biennium unless approved by the emergency commission and the budget section. Annually the adjutant general shall report to the budget section regarding the income and expenditures made from this fund.

Approved April 4, 2019

Filed April 5, 2019

CHAPTER 288

HOUSE BILL NO. 1046

(Representatives Dockter, Kasper, M. Ruby, Satrom)
(Senators Davison, Dever)

AN ACT to amend and reenact sections 37-07.1-05 and 37-07.2-03 of the North Dakota Century Code, relating to higher education grants and tuition waivers for national guard members; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-07.1-05 of the North Dakota Century Code is amended and reenacted as follows:

37-07.1-05. Application for waiver.

It is the responsibility of the individual member of the national guard to ~~obtain a certificate from the adjutant general or the adjutant general's designee attesting to satisfactory guard performance and describing qualification requirements and to present the certificate to the school in order to obtain a waiver of tuition fees~~request the waiver of tuition fees on an application provided by the adjutant general. The ~~certification~~application must be ~~accomplished~~completed at the time of enrollment for each semester or academic term for which a waiver of tuition fees is requested, or upon initial appointment into the national guard.

SECTION 2. AMENDMENT. Section 37-07.2-03 of the North Dakota Century Code is amended and reenacted as follows:

37-07.2-03. Application for grant.

It is the responsibility of the individual member of the national guard to request the grant on an application provided by the adjutant general. The application must be completed at the time of enrollment for each semester or academic term for which a grant is requested, or upon initial appointment into the national guard. The grants provided for in this chapter must be paid from such funds as may be appropriated for tuition payment purposes in accordance with chapter 37-07.1.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 28, 2019

Filed March 29, 2019

CHAPTER 289

SENATE BILL NO. 2314

(Senators J. Lee, Dever, Marcellais)
(Representatives Owens, Pyle, Westlind)

AN ACT to amend and reenact sections 37-14-01.1 and 37-14-18 and subsection 8 of section 37-19.1-01 of the North Dakota Century Code, relating to the accreditation of county veterans' service officers and the definition of a veteran for purposes of veterans' relief and rehabilitation and veterans' preference.

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.

As used in this chapter, "veteran" means an individual who served in the armed forces of the United States on federal active duty for:

1. For reasons other than training and who has been discharged under other than dishonorable conditions; or
2. To whom the United States veterans administration has assigned a service-connected disability rating.

SECTION 2. AMENDMENT. Section 37-14-18 of the North Dakota Century Code is amended and reenacted as follows:

37-14-18. County veterans' service officer - Appointment - Duties.

The board of county commissioners of each county of the state of North Dakota shall appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county veterans' service officer. The veterans' affairs commissioner may work directly with county veterans' service officers. An individual may serve as a county veterans' service officer in more than one county. The appointment must be made with the prior advice of the commissioner of veterans' affairs, and in accordance with veterans' preference as provided in section 37-19.1-02. ~~By August 1, 2011, all county~~All county veterans' service officers must be accredited by the national association of county veterans' service officers ~~or the department of veterans' affairs within twelve months of appointment or employment.~~ It is the duty of the county veterans' service officer to become acquainted with the laws, both state and federal, enacted for the benefit of returning servicemen and servicewomen to assist ~~such~~the returning members of the armed forces in the presentation, proof, and establishment of ~~such~~the claims, privileges, and rights ~~as they~~members have. ~~It also is the duty of the county~~The county veterans' service officer ~~to actively~~shall cooperate with and ~~to~~ coordinate the activities of the state and federal agencies within the county ~~which~~the officer serves to facilitate their operation and ensure promptness in the solution of the problems concerned with the re-establishment of returning servicemen and servicewomen in civilian pursuits. A county veterans' service officer may not serve as a conservator for an individual ~~who~~is receiving benefits or services from the

department of veterans' affairs or the United States department of veterans' affairs, except if the individual is the spouse or an immediate family member of the officer.

SECTION 3. AMENDMENT. Subsection 8 of section 37-19.1-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Veteran" means a ~~North Dakota resident~~ an individual who is a wartime:
 - a. Is a veteran as defined in subsection 21 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.

Approved March 28, 2019

Filed March 29, 2019

CHAPTER 290

HOUSE BILL NO. 1091

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

AN ACT to amend and reenact sections 37-17.1-02.1 and 37-17.1-02.2 of the North Dakota Century Code, relating to the operations of the department of emergency services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. 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 state radio and a division of homeland security. The adjutant general is the director of the department. The adjutant general shall provide for shared administration of both divisions. ~~The division of homeland security consists of the state emergency operations center section, the disaster recovery section, and the homeland security section.~~ 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 2. AMENDMENT. Section 37-17.1-02.2 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-02.2. Advisory committee to department of emergency services.

The adjutant general shall create one or more advisory committees to the department of emergency services. An advisory committee may consist of not more than ~~eleven~~^{twelve} members representing local and state interests in the department. Members must be appointed to four-year staggered terms. An advisory committee shall advise the department regarding collaboration with political subdivisions, and each member of an advisory committee shall report to the local interest each member represents concerning recommendations approved by the committee. Each member of the advisory committee is entitled to be paid sixty-two dollars and fifty cents per day for time spent in attendance at meetings and is entitled to be reimbursed for the member's actual and necessary expenses at the rates and in the manner provided by law for other state officers. The compensation and expenses must be paid out of department appropriations.

Approved March 8, 2019

Filed March 8, 2019

CHAPTER 291

SENATE BILL NO. 2096

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

AN ACT to create and enact section 37-17.1-14.6 of the North Dakota Century Code, relating to a mutual aid compact with the northern emergency management; and to amend and reenact sections 37-17.1-14.2 and 37-17.1-14.3 of the North Dakota Century Code, relating to agreements for mutual aid.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-17.1-14.2 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-14.2. Interstate mutual aid agreements.

1. This state may enter into an interstate mutual aid agreement or compact with any state that has enacted or shall enact the compact substantially in the form contained in section 37-17.1-14.5.
2. ~~The governor may enter into an interstate agreement with any state if the governor finds that joint action with that state is desirable in meeting common intergovernmental problems of emergency or disaster prevention, preparedness, mitigation, response, and recovery.~~ This state may enter the northern emergency management assistance compact with any state or Canadian province that has enacted or shall enact the compact substantially in the form contained in section 37-17.1-14.6.
3. ~~The governor may deny the request of a requesting state as the governor determines necessary.~~ This state may enter an interstate agreement with any state if the governor finds that joint action with that state is desirable in meeting common intergovernmental problems of emergency or disaster prevention, protection, mitigation, response, and recovery.
4. ~~All interstate mutual aid compacts and other interstate agreements to which this state is a party dealing with disaster or emergency prevention, preparedness, response, recovery, or mitigation must be reviewed and made current every four years.~~ This state may enter intergovernmental arrangements with neighboring Canadian provinces for the purpose of exchanging emergency or disaster resources. When considered of mutual benefit, the governor may, subject to the limitations of law enter such agreements.
5. If a person holds a license, certificate, or other permit issued by any state or political subdivision evidencing the meeting of qualifications for professional, mechanical, or other skills, the person may render aid involving that skill in this state to meet an emergency or disaster, and this state shall give due recognition to the license, certificate, or other permit.
6. ~~When considered of mutual benefit, the governor may, subject to the limitations of law, enter into intergovernmental arrangements with neighboring~~

provinces of Canada for the purpose of exchanging disaster or emergency resources. All interstate mutual aid compacts and other interstate agreements, to which this state is a party, dealing with emergency or disaster prevention, protection, mitigation, response, and recovery must be reviewed and made current every four years.

SECTION 2. AMENDMENT. Section 37-17.1-14.3 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-14.3. Authority to join interstate mutual aid agreements - Interstate compacts.

1. The governor, in the name of the state, may join with other states and Canadian provinces in the interstate mutual aid agreement or compact.
2. The governor may negotiate and execute such supplemental agreements as may be necessary and proper to fully carry out the terms and provisions of the interstate mutual aid agreement agreements or compact compacts as set forth in section sections 37-17.1-14.5 and 37-17.1-14.6.
3. The governor may deny the request of a requesting state or Canadian province as the governor determines necessary.
4. Local emergency management organizations may enter interstate mutual aid agreements with nearby political subdivisions or public response entities. Such agreements are valid once filed with the department of emergency services.

SECTION 3. Section 37-17.1-14.6 of the North Dakota Century Code is created and enacted as follows:

37-17.1-14.6. Northern emergency management assistance compact.

The northern emergency management assistance compact is entered with all jurisdictions legally joining the compact in the form substantially as follows:

ARTICLE I - NAME AND SCOPE

1. This compact is established as directed by the state and province emergency management assistance memorandum of agreement and brought into force by congressional consent on September 14, 2012, by the 112th Congress of the United States of America.
2. The object of this compact shall be to facilitate cross-border emergency management assistance through mutual aid.

ARTICLE II - MEMBERSHIP

1. Membership in this compact shall be open to the states and provinces having signed the state and province emergency management assistance memorandum of agreement, hereinafter referred to as party jurisdictions.
2. Representatives from the nonsignatory states and provinces as well as the national governments of Canada and the United States shall be nonvoting members.

ARTICLE III - BOARD

1. The policies and direction of this compact shall be directed and controlled by a board of directors, which shall consist of the directors of emergency management or measures, or their designated official substitute from the party jurisdictions. The designated official substitute shall be specified either on the jurisdiction's compact contact sheet or in writing to the compact co-chairs.
2. The board may invite representatives from other governments, subject matter experts, and such other individuals as they may deem appropriate to attend the compact meetings as nonvoting participants.

ARTICLE IV - GOVERNMENT

1. The board of directors shall act as the governing body of this compact.
2. The following shall be the officers:
 - a. A co-chair elected from the participating states; and
 - b. A co-chair elected from the participating provinces.
3. The co-chairs shall be elected biannually in alternate years.
4. In the event a co-chair is unable to fulfill the co-chair's term, a special election shall be held at the next meeting, regular or special, to fill the remainder of the co-chair's term.

ARTICLE V - SUBCOMMITTEES AND WORKING GROUPS

1. The compact board of directors may appoint subcommittees and working groups as needed.
2. Each subcommittee and working group shall be co-chaired by a representative of a Canadian and a United States party jurisdiction.
3. The subcommittees and working groups shall report to this compact through the co-chairs and the co-chairs are ex officio members of all subcommittees and working groups.

ARTICLE VI - MEETINGS

1. This compact shall meet at least once a year at locations to be determined by the board of directors.
2. Special meetings may be held at any time by order of the co-chairs.
3. Meetings may be held by conference call or other communication facilities that permit all persons participating in the meeting to communicate with each other, and all persons participating in the meeting by such means are deemed to be present.
4. A jurisdiction may participate at its own cost in any meeting by telephone or other communication facilities that permit all persons participating in the

meeting to communicate with each other, and a person participating in a meeting by such means is deemed to be present at the meeting.

5. The newest co-chair shall be responsible for creating a record of decisions for each meeting.
6. The newest co-chair shall be responsible for distributing meeting agendas, records of decisions, and any documents slated for discussion at a meeting to the board of directors.
7. A meeting agenda and any documents slated for discussion at a meeting should be circulated to the board of directors a minimum of thirty days prior to the meeting.
8. All meetings shall follow a form agreed to by the co-chairs.
9. A quorum shall consist of a simple majority of party jurisdictions that consists of at least one party jurisdiction from Canada and one party jurisdiction from the United States of America. Jurisdictions participating by proxy shall not count towards a quorum.

ARTICLE VII - VOTING

1. Each party jurisdiction shall have only one vote on any motion or election.
2. Motions may only be introduced or seconded by members of the board of directors present or represented by proxy.
3. Motions arising at any meeting shall be determined by consensus. In the absence of consensus a two-thirds majority is required from each of the Canadian and United States of America party jurisdictions either present or represented by proxy. A vote given in accordance with the terms of a proxy shall be valid.
4. If the director or designated official substitute of a party jurisdiction cannot attend a meeting of the northern emergency management assistance compact, the party jurisdiction may give a proxy to another jurisdiction. A proxy shall be in writing under the hand of the director or designated official substitute. The proxy shall be delivered to one of the co-chairs before or at the meeting. A proxy is valid for one meeting.

ARTICLE VIII - SIGNING AUTHORITY

Documents or other instruments requiring the signature of the compact shall be signed by both co-chairs.

ARTICLE IX - AMENDMENTS

These bylaws may be amended by a two-thirds vote at any meeting of the compact provided that thirty days' notice in writing be given of such meeting to the voting member of each party jurisdiction and that the notice contains the text, or the general nature, of any proposed amendments.

ARTICLE X - OPERATIONS MANUAL AND BYLAWS

1. The most recent past co-chair shall be responsible for updating and storing a copy of the most recent version of the operations manual and bylaws.
2. Any party jurisdiction may request that amendments be made to the operations manual and bylaws.
3. All requests for amendments to the operations manual and bylaws shall be submitted to the past co-chair responsible for the operations manual and bylaws.
4. Amendments to the operations manual and bylaws shall come into force on the date that the operations manual or bylaws, respectively, are approved by the board of directors or a later date as decided by the board of directors.

ARTICLE XI - TRAINING

The senior co-chair shall be responsible for coordinating delivery of the compact training and exercises to party jurisdictions.

Approved March 19, 2019

Filed March 20, 2019

CHAPTER 292

HOUSE BILL NO. 1203

(Representatives Delzer, Pollert)
(Senators Holmberg, Wardner)

AN ACT to amend and reenact section 37-17.1-22 of the North Dakota Century Code, relating to response and recovery costs of disasters or emergencies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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 ~~shall make application~~ 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 ~~such~~ the application from the governor that a disaster or emergency exists, and the commission ~~immediately shall~~ may grant and direct the transfer to the department of the governor designated representative of an amount ~~equal~~ up to that certified in ~~such~~ the application by the governor.

Approved April 4, 2019

Filed April 5, 2019

CHAPTER 293

HOUSE BILL NO. 1435

(Representatives Bosch, Heinert, Nathe, Porter)
(Senators Cook, Schaible, Wardner)

AN ACT to amend and reenact sections 37-17.3-02, 37-17.3-02.2, and 37-17.3-03 of the North Dakota Century Code, and section 10 of chapter 247 of the 2017 Session Laws, relating to the governance, purchase, financing, and operation of the statewide interoperable radio network; to provide for a legislative management study; to provide an appropriation; to provide for a transfer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-17.3-02 of the North Dakota Century Code is amended and reenacted as follows:

37-17.3-02. Statewide interoperable radio broadcasting system network.

The director chief information officer of the information technology department may purchase the necessary apparatus and equipment to construct or establish a statewide interoperable radio broadcasting system network for this state that which enables seamless interoperable communications from local, state, and federal levels. However, the chief information officer may not use state funds including resources from the statewide interoperable radio network fund for dispatch consoles, connectivity, and associated necessary software, equipment, or services to support a public safety answering point unless these items are intended for use by a state agency or state department. The director chief information officer is charged with the operation and maintenance of the system statewide interoperable radio network as directed by the statewide interoperability executive committee.

¹²¹ **SECTION 2. AMENDMENT.** Section 37-17.3-02.2 of the North Dakota Century Code is amended and reenacted as follows:

37-17.3-02.2. North Dakota statewide interoperability executive committee. (Effective through July 31, 2023)

1. The statewide interoperability executive committee consists of:
 - a. The director of state radio or a designee;
 - b. The director of the division of homeland security 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;

¹²¹ Section 37-17.3-02.2 was also amended by section 11 of House Bill No. 1021, chapter 21.

- 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;
 - n-p. The North Dakota Indian affairs commission executive director or a designee; and
 - e-q. One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management.
2. The committee shall elect a chairman and vice chairman for terms of two years upon its initial meeting. ~~The adjutant general shall call and convene the initial meeting.~~
 3. The committee shall prepare recommendations regarding a statewide ~~integrated interoperable radio system network~~ with due consideration for all stakeholders reliant upon the statewide interoperable radio communication system network.
 4. The committee may adopt rules governing the connection or integration of public safety answering points to the statewide interoperable radio network.

North Dakota statewide interoperability executive committee. (Effective after July 31, 2023)

1. The statewide interoperability executive committee consists of:
 - a. The director of state radio or a designee;
 - b. The director of the division of homeland security 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; and
 - ~~m-o.~~ The North Dakota chief information officer or a designee;
 - p. The executive director of the North Dakota Indian affairs commission or a designee; and
 - q. One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management.
2. The committee shall elect a chairman and vice chairman for terms of two years upon its initial meeting. ~~The adjutant general shall call and convene the initial meeting.~~
 3. The committee shall prepare recommendations regarding a statewide ~~integrated interoperable radio system~~ network with due consideration for all stakeholders reliant upon ~~the statewide interoperable radio communication system~~ network.
 4. The committee may adopt rules governing the connection or integration of public safety answering points to the statewide interoperable radio network.

¹²² **SECTION 3. AMENDMENT.** Section 37-17.3-03 of the North Dakota Century Code is amended and reenacted as follows:

37-17.3-03. Political subdivisions may furnish receiving and transmitting sets for enforcement purposes - State cost-share.

1. Each county and organized city within the state may furnish to its law enforcement, firefighters, and emergency medical personnel the appropriate radio ~~or radio systems~~ that can access the ~~state~~ statewide interoperable radio system network. Each mobile radio that is programmed to access the ~~state~~ statewide interoperable radio system network must be registered with the ~~division of state radio and assigned a unit number~~ approved by the statewide interoperability executive committee. ~~A one-time fee of ten dollars for registering and assigning unit numbers must be paid to the director on all newly added radios by the appropriate governmental entity. Agencies with~~

¹²² Section 37-17.3-03 was also amended by section 12 of House Bill No. 1021, chapter 21.

~~registered radios must validate assigned unit numbers annually. The chief information officer shall establish a process to register and audit users of the statewide interoperable radio network.~~

2. The information technology department may provide a state cost-share for each radio purchased under this section. The state cost-share for each radio is one thousand five hundred dollars unless the cost of the radio is less than one thousand five hundred dollars in which case the state cost-share is the cost of the radio.

SECTION 4. AMENDMENT. Section 10 of chapter 247 of the 2017 Session Laws is amended and reenacted as follows:

SECTION 10. EXPIRATION DATE. ~~This Sections 3, 6, 7, 8, and 9 of this Act is~~ are effective through July 31, 2023, and after that date ~~is~~ are ineffective.

SECTION 5. LEGISLATIVE MANAGEMENT STUDY - STATEWIDE INTEROPERABLE - RADIO NETWORK. During the 2019-20 interim, the legislative management shall consider studying consolidated emergency and interoperable public safety communications system governance and funding options. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 6. LINE OF CREDIT. The Bank of North Dakota shall extend a line of credit not to exceed \$80,000,000 to the information technology department at the prevailing interest rate charged to North Dakota governmental entities. The information technology department shall repay the line of credit from funds available in the statewide interoperable radio network fund or other funds over a period not to exceed twenty years from the date of issuance of the line of credit, as appropriated by the legislative assembly. The information technology department may access the line of credit, as necessary, to provide funding as authorized by the legislative assembly for statewide interoperable radio network projects.

SECTION 7. TRANSFER - BANK OF NORTH DAKOTA PROFITS - STATEWIDE INTEROPERABLE RADIO NETWORK FUND. The industrial commission shall transfer the sum of \$20,000,000 from the current earnings and accumulated undivided profits of the Bank of North Dakota to the statewide interoperable radio network fund, during the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 8. APPROPRIATION. There is appropriated out of any moneys in the strategic investment and improvements fund, not otherwise appropriated, the sum of \$20,000,000, out of any moneys in the statewide interoperable radio network fund, not otherwise appropriated, the sum of \$20,000,000, and from proceeds of a Bank of North Dakota line of credit, the sum of \$80,000,000, or so much of the sums as may be necessary, to the information technology department for the purpose of statewide interoperable radio network projects, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 9. EMERGENCY. Sections 6, 7, and 8 of this Act are declared to be an emergency measure.

Approved April 25, 2019

Filed April 26, 2019

CHAPTER 294

HOUSE BILL NO. 1129

(Representatives Laning, Trottier)
(Senator Marcellais)

AN ACT to amend and reenact section 37-18-04 of the North Dakota Century Code, relating to duties of the commissioner of veterans' affairs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-18-04 of the North Dakota Century Code is amended and reenacted as follows:

37-18-04. Duties of commissioner.

~~It is the duty of the commissioner to coordinate agencies or instrumentalities of the state set up to render service and benefits to returning veterans; to have charge of~~ To provide services and benefits to veterans and the veterans' dependents, the commissioner shall:

1. Coordinate with any federal agency or public or private entity of this state or any other state as required to fulfill the commissioner's duties;
2. Supervise and implement programs and benefits authorized by statute; ~~to assist~~
3. Assist or represent veterans or their widows, administrators, executors, guardians, or heirs, in processing claims; ~~to advise~~
4. Advise and assist veterans in taking advantage of the provisions of the Servicemen's Readjustment Act of 1944 [Pub. L. 78-346; 58 Stat. 291], or any similar or related measures benefits and services for veterans afforded by the federal government; ~~to provide~~
5. Provide counties with recommended qualifications and standards for county veterans' service officers; ~~to assist~~
6. Assist counties with training of county veterans' service officers; ~~to provide~~
7. Provide county veterans' service officers with educational materials; ~~to assist~~
8. Assist county veterans' service officers in the performance of their duties; ~~to disseminate~~
9. Disseminate information; and ~~to do any and~~
10. Do all things necessary and proper for the purpose of carrying out the intent and purposes of this chapter.

Approved March 26, 2019

Filed March 27, 2019

CHAPTER 295

HOUSE BILL NO. 1316

(Representatives Pyle, Becker, Ertelt, Hoverson, Johnston, Marschall)
(Senators Bekkedahl, Luick)

AN ACT to amend and reenact section 37-18-11 of the North Dakota Century Code, relating to maintenance of records of veterans' and veterans' dependents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-18-11 of the North Dakota Century Code is amended and reenacted as follows:

37-18-11. Release of information and records - Confidential nature.

All records and papers pertaining or relating to veterans ~~which are transmitted by the United States government to the department of veterans' affairs or veterans' eligible dependents~~ must be kept and maintained by ~~said~~ the department of veterans' affairs under the following provisions and conditions:

1. All records and papers of the department ~~are to~~ must be utilized in the manner to best serve the public interest, but the veteran's right of privacy as to information pertaining to the veteran's military or naval service and to confidential information contained in the veteran's application for benefits will be respected.
2. All reports of investigation made by employees of the department or at the direction of the department for official departmental purposes are for the use of the commissioner and the commissioner's staff only. Materials and information which disclose the investigative techniques of the department or the identity of confidential informants and material received in confidence by representatives of the department will not be released.
3. Records pertaining to any application for benefits, whether pending or adjudicated, ~~will be~~ deemed confidential and ~~no disclosure therefrom will~~ may not be made disclosed except in the circumstances and under the conditions set forth in this chapter, ~~and any person making application. For purposes of this section, "applicant" means an individual applying for benefits must hereinafter be referred to as the applicant.~~
4. An applicant may not have access to official department records concerning the applicant, but information from official records may be disclosed to an applicant or the applicant's duly authorized representative as to matters concerning the applicant.
5. "Duly authorized representative" ~~is defined as~~ means any person authorized in writing by the applicant to act for the applicant, or the applicant's legally constituted representative if the applicant is incompetent or deceased. If for proper reason ~~no such~~ a representative has not been or will not be appointed, the applicant's spouse, an adult child, or if the applicant is unmarried, either of

the applicant's parents ~~shall bear~~ recognized as the duly authorized representative of the applicant.

6. Medical information may be disclosed as follows:
 - a. Except as otherwise required by law, information contained in a veteran's medical records on file ~~shall~~must be disclosed to the residentveteran on request.
 - b. Information contained in medical records of residents ~~and beneficiaries~~veterans or veterans' dependents pertaining to medical history, diagnosis, findings, or treatment may be disclosed directly to physicians and hospitals for treatment, payment, and health care operations, and as otherwise authorized by law. This information is to be treated as confidential information. This information also may be disclosed without the consent of the residentveteran or the resident's ~~personal~~veteran's duly authorized representative when a request for the information is received from the veterans' administration, the United States public health service, the superintendent of a state hospital, a commissioner or head of a state department of mental hygiene, or head of a state, county, or city health department and the disclosure is required by law, or for the purpose of treatment, payment, or health care operations.
7. Information contained in loan files may be made available to any party having an interest in ~~such~~the loan transaction upon approval by the ~~director~~commissioner or pursuant to rules and regulations ~~promulgated~~adopted by the ~~director~~commissioner.
8. Information contained in department files required for official purposes by any agency of the United States government or by any agency of ~~the~~this state of ~~North Dakota~~, or by any law enforcement or public welfare agency of any ~~North Dakota~~ county or municipality of this state may be furnished in response to an official request, written or oral, from ~~such~~the agency. The requesting agency must be asked to specify the purpose for which ~~such~~the information is to be used.
9. Subject to the limitations of any other law, members of the legislative assembly may be furnished ~~such~~the information contained in department files as may be requested for official use.
10. A county veterans' service officer may ~~be permitted to~~ inspect records pertaining to any application for benefits in which the officer's office may be directly involved upon the condition that only ~~such~~the information contained ~~therein~~ in the application as may be properly disclosed ~~will~~must be disclosed by the officer only to the applicant or if the applicant is incompetent, to the applicant's ~~legally constituted~~duly authorized representative.
11. When records pertaining to any application for benefits are requested for use in any judicial proceedings, ~~they will~~the records may be released only upon service of a proper subpoena and upon the condition ~~that they will be~~ the records will be returned upon conclusion of ~~such~~the proceedings.
12. Addresses of applicants from department records ~~will~~may not be furnished, except as provided in subsections 5 through 10. When an address is requested by a person to whom it may not be furnished, the person making

the request ~~will~~must be informed that correspondence enclosed in an unsealed envelope showing no return address, with the name of the addressee ~~thereon~~on the correspondence, and bearing sufficient postage to cover mailing costs will be forwarded by the department. ~~At the time~~When the correspondence is forwarded, the department's return address ~~will~~must be placed on the envelope. If undelivered mail is returned to the department, the original sender ~~will~~must be notified thereof, ~~but~~and the envelope ~~will~~must be retained by the department. ~~In no event will~~The department may not forward letters ~~be forwarded~~ for the purposes of debt collection, canvassing, or harassment.

13. Separation documents evidencing service in the armed forces of the United States ~~will be considered~~and information extracted from a separation document by the United States department of defense are confidential and privileged, anything contained in subsections 4 through 10 notwithstanding. Examination of ~~such~~those records ~~will be~~is limited to authorized employees of the department and information ~~entered thereon~~within those records may be disclosed only to interested governmental agencies for the purpose of assisting veterans ~~and their~~or veterans' eligible dependents to obtain the rights and benefits to which ~~they~~the veterans or veterans' eligible dependents may be entitled.

Approved March 28, 2019

Filed March 29, 2019

CHAPTER 296

HOUSE BILL NO. 1131

(Representatives Laning, Trottier)
(Senators Dever, Marcellais)

AN ACT to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to exempting the sale of commemorative memorial coins from sales tax; to amend and reenact section 37-18-12 and subsection 2 of section 37-18-15 of the North Dakota Century Code, relating to funding authority of the department of veterans' affairs and veteran commemorative coins; to provide a continuing appropriation; and to provide for retroactive application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-18-12 of the North Dakota Century Code is amended and reenacted as follows:

37-18-12. Funding authority - Continuing appropriation.

The

1. Except as otherwise provided by subsection 2, the department of veterans' affairs may accept and expend funds from any source, including federal or private sources, to be used to assist veterans or qualified veterans' spouses in obtaining assistance and to pay other expenses authorized by law incurred in carrying out programs of benefit and service for resident North Dakota veterans as authorized by the administrative committee on veterans' affairs with the approval of the emergency commission. However, all
2. The department of veterans' affairs may apply for, accept, and receive any private donation, gift, grant, or bequest that is offered or tendered with a specifically identified purpose or a restrictive condition and which is related to a benefit or service for resident North Dakota veterans.
 - a. The department shall administer and expend any private donation, gift, grant, or bequest in accordance with the purpose or condition imposed by the donor.
 - b. All moneys received or accepted under this subsection are appropriated on a continuing basis to the department of veterans' affairs in accordance with the donor's instructions.
3. All interest earnings from the veterans' postwar trust fund received by the department of veterans' affairs from the administrative committee on veterans' affairs are appropriated to the department on a continuing basis.

SECTION 2. AMENDMENT. Subsection 2 of section 37-18-15 of the North Dakota Century Code is amended and reenacted as follows:

2. ~~A family member of a deceased North Dakota veteran~~Any person may purchase a commemorative memorial coin from the department of veterans' affairs at a cost determined by the department.

¹²³ **SECTION 3.** A new subsection to section 57-39.2-04 of the North Dakota Century Code is created and enacted as follows:

Gross receipts from all sales of commemorative memorial coins under section 37-18-15.

SECTION 4. RETROACTIVE APPLICATION. Subsection 2 of section 1 of this Act applies to all private donations, gifts, grants, and bequests already tendered, offered, or made with a specifically identified purpose, or a restrictive condition.

Approved March 28, 2019

Filed March 29, 2019

¹²³ Section 57-39.2-04 was also amended by section 7 of Senate Bill No. 2089, chapter 477, section 4 of Senate Bill No. 2192, chapter 95, and section 6 of Senate Bill No. 2193, chapter 341.

CHAPTER 297

HOUSE BILL NO. 1054

(Representatives Magrum, Vetter, M. Ruby, McWilliams, Paulson)
(Senators Bekkedahl, O. Larsen, Sorvaag)

AN ACT to amend and reenact subsection 4 of section 37-18.1-03 of the North Dakota Century Code, relating to the powers and duties of the administrative committee on veterans' affairs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 37-18.1-03 of the North Dakota Century Code is amended and reenacted as follows:

4. The committee ~~shall~~, under recommendation from the board or the subcommittee, shall present any matters needing attention and action to the appropriate board, commission, agency, or department of the state, and the North Dakota veterans' ~~coordinating~~legislative council.

Approved April 4, 2019

Filed April 5, 2019

CHAPTER 298

HOUSE BILL NO. 1095

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

AN ACT to amend and reenact subsection 2 of section 37-29-01 and subsection 3 of section 37-29-03 of the North Dakota Century Code, relating to the definition of discrimination against volunteer emergency responders.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 37-29-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Volunteer emergency responder" means an individual in good standing as:
 - a. A volunteer member of the ~~North Dakota~~ army national guard or ~~North Dakota~~ air national guard of this state or any state; or
 - b. A volunteer civilian member of the civil air patrol.

SECTION 2. AMENDMENT. Subsection 3 of section 37-29-03 of the North Dakota Century Code is amended and reenacted as follows:

3. Except for an involuntarily activated ~~North Dakota~~ national guard member, subsection 1 does not apply if due to serving as a volunteer emergency responder, the employee is absent or tardy from the employee's place of employment for a period that exceeds twenty regular working days in a calendar year.

Approved April 23, 2019

Filed April 24, 2019