

**Sixty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1073  
(Government and Veterans Affairs Committee)  
(At the request of the Adjutant General)

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

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

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

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

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

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

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

1. When approved by the emergency commission, the office of the adjutant general is authorized to borrow from the Bank of North Dakota, to match federal funds under the Robert T. Stafford Disaster Emergency Assistance Act [Public Law 93-288, as amended]. In addition to the principal repayment, the Bank of North Dakota shall receive interest on the loan at a rate equal to other state agency borrowings. On behalf of the state, the office of the adjutant general shall administer the disaster or emergency recovery program according to state procedures based on federal laws or regulations. After a county or group of counties have been declared a major disaster or emergency area by the president, the office of the adjutant general shall submit a request to the emergency commission for:
  - a. Approval to make an application for a loan from the Bank of North Dakota;
  - b. Approval for additional personnel required to perform the anticipated recovery activities;  
~~and~~
  - c. Authority to spend additional state and federal funds for the recovery program; and
  - d. Authority to spend available funds from the state disaster relief fund.

2. If the request is acceptable, the emergency commission shall approve the request and issue a notice of its action to the office of the adjutant general, Bank of North Dakota, and the office of management and budget. The office of the adjutant general shall keep the emergency commission apprised of the progress of the recovery operation and submit a final report upon completion of the project. The office of the adjutant general is responsible to repay any loan, including accrued interest, from the Bank of North Dakota which is provided under this section. If at the end of the biennium a balance exists on the loan, the office of the adjutant general shall request the legislative assembly for a deficiency appropriation to repay the loan.

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

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

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

Roli Weing  
Speaker of the House

Michelle Lathrinden  
President of the Senate

Buell J Reich  
Chief Clerk of the House

Chanda May  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1073.

House Vote:    Yeas 73            Nays 20            Absent 1

Senate Vote:    Yeas 45            Nays 1            Absent 1

Buell J. Reich  
Chief Clerk of the House

Received by the Governor at 10:05 A.M. on April 8th, 2025.

Approved at 4:36 P.M. on April 10th, 2025.

[Signature]  
Governor

Filed in this office this 11th day of April, 2025,  
at 12:09 o'clock P M.

Michael Howe  
Secretary of State