

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact section 37-17.1-16 of the North Dakota Century Code
2 relating to immunity and exemptions for actions in response to emergency management.

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

4 **SECTION 1. AMENDMENT.** Section 37-17.1-16 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **37-17.1-16. Immunity and exemption.**

- 7 1. All functions hereunder and all other activities relating to emergency management
8 are hereby declared to be governmental functions. Neither the state nor any
9 county or city or its departments and agencies, or any disaster or emergency
10 worker, or any person, organization or private entity providing goods or services
11 during an emergency, complying with or reasonably attempting to comply with this
12 chapter, or any executive order or disaster or emergency operational plan pursuant
13 to the provisions of this chapter, or pursuant to any ordinance relating to any
14 precautionary measures enacted by any county or city of the state, except in case
15 of willful misconduct, gross negligence, or bad faith, is liable for the death of or
16 injury to persons, or for damage to property, as a result of any such activity. This
17 section does not affect the right of any person to receive benefits to which that
18 person would otherwise be entitled under this chapter, or under workforce safety
19 and insurance law, or under any pension law, nor the right of any such person to
20 receive any benefits or compensation under any Act of Congress.
- 21 2. Any requirement for a license to practice any professional, mechanical, or other
22 skill does not apply to any authorized disaster or emergency worker who, in the
23 course of performing their duties, practices such professional, mechanical, or other
24 skill during a disaster or emergency.

1 3. Neither the state nor any county or city or its departments and or agencies, or any
2 disaster or emergency worker, including any association, fraternal organization,
3 private for profit entity, not for profit entity, religious organization, or charitable
4 organization and the officers, directors, employees, and agents of such
5 associations, organizations, and entities, when such persons associations,
6 organizations, or entities are working in coordination and under the direction of an
7 appropriate state agency, who voluntarily and without the expectation or receipt of
8 compensation provides services or goods in preparation for, anticipation of, or
9 during a time of emergency and in a place of emergency as declared by the
10 Governor for the benefit of any natural person or a person's property to prevent or
11 minimize harm to such natural person or to prevent, minimize, and repair injury and
12 damage to such person's property resulting from biological, chemical, or nuclear
13 agents; terrorism; pandemics or epidemics of infections disease; or catastrophic
14 acts of nature, including: fire, flood, earthquake, wind, storm, or wave action, or
15 any other occurrence which warrants the declaration of a state emergency or
16 disaster by the Governor shall not be civilly liable to any natural person receiving
17 such assistance as a result of any actor omission in rendering such service if such
18 natural person, association, organization, or entity was acting in good faith and
19 unless the damage or injury was caused by the willful or wanton negligence or
20 misconduct of such natural person, association, organization or entity. Nothing in
21 this Code section shall be construe to amend, repeal, alter, or affect in any manner
22 any other provision of law granting immunity or limiting liability. Nothing in this
23 Code section shall be construed to abrogate the sovereign immunity of this state
24 as to all actions executed by any party under this Code section.