

SENATE BILL NO. 2091
with House Amendments
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Introduced by

Judiciary Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact subsection 1 of section 37-17.1-16 of the North Dakota
2 Century Code, relating to liability of federal government employees assisting in a state disaster;
3 and to declare an emergency.

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

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

7 1. All functions hereunder and all other activities relating to emergency management are
8 hereby declared to be governmental functions. The state, a county or city, any disaster
9 or emergency worker, an employee of a federal agency on loan or leave to the state in
10 support of emergency service response whether the emergency is declared or
11 undeclared, or any other person providing goods or services during an emergency if
12 the person is working in coordination with and under the direction of an appropriate
13 governmental emergency or disaster response entity, complying with or reasonably
14 attempting to comply with this chapter, or any executive order or disaster or
15 emergency operational plan pursuant to this chapter, or pursuant to any ordinance
16 relating to any precautionary measures enacted by any county or city of the state,
17 except in case of willful misconduct, gross negligence, or bad faith, is not liable for the
18 death of or injury to persons, or for damage to property, as a result of any such activity.
19 This section does not affect the right of any person to receive benefits to which that
20 person would otherwise be entitled under this chapter, or under workforce safety and
21 insurance law, or under any pension law, nor the right of any such person to receive
22 any benefits or compensation under any Act of Congress.

23 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.