

**HOUSE BILL NO. 1327**

Introduced by

Representatives Porter, Devlin, J. Kelsh

Senators Hogue, Oehlke, Dotzenrod

1 A BILL for an Act to amend and reenact section 37-17.1-10 of the North Dakota Century Code,  
2 relating to authority to evacuate during a local disaster or emergency; ~~and to provide a penalty.~~  
3 and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 37-17.1-10 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **37-17.1-10. Local disasters or emergencies - Penalty.**

- 8 1. Unless so declared in accordance with the provisions of subsection 4 of section  
9 37-17.1-05, a local disaster or emergency may be declared only by the principal  
10 executive officer of the county or city. It may not be continued or renewed for a period  
11 in excess of seven days except by or with the consent of the governing board of the  
12 county or city. Any order or proclamation declaring a local disaster or emergency must  
13 be given prompt and general publicity and must be filed promptly with the county or  
14 city auditor.
- 15 2. The effect of a declaration of a local disaster or emergency is to activate the response  
16 and recovery aspects of any and all applicable local disaster or emergency operational  
17 plans and to authorize the furnishing of aid and assistance thereunder.
- 18 3. Unless so declared under section 37-17.1-05 or 40-05-01, during a local disaster or  
19 emergency and following the activation of the local disaster or emergency operational  
20 plan, the designated incident commander identified may direct, and if necessary  
21 compel, partial or total evacuation of a jurisdiction if the incident commander finds this  
22 necessary for the preservation of life ~~or other disaster or emergency mitigation.~~ A  
23 person who willfully violates a lawful evacuation order authorized under this chapter is  
24 guilty of an infraction.

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