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Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1327

Introduced by

Representatives Porter, Devlin, J. Kelsh

Senators Hogue, Oehlke, Dotzenrod

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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