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Sixty-second
Legislative Assembly
of North Dakota

SECOND ENGROSSMENT
with Senate Amendments
REENGROSSED HOUSE BILL NO. 1327

Introduced by

Representatives Porter, Devlin, J. Kelsh

Senators Hogue, Oehlke, Dotzenrod

A BILL for an Act to amend and reenact sections 37-17.1-04 and 37-17.1-10 of the North Dakota Century Code, relating to definitions and authority to evacuate during a local disaster or emergency; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-17.1-04 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-04. Definitions.

As used in this chapter:

1. "Disaster" means the occurrence of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including fire, flood, earthquake, severe high and low temperatures, tornado storm, wave action, chemical spill, or other water or air contamination, epidemic, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action, which is determined by the governor to require state or state and federal assistance or actions to supplement the recovery efforts of local governments in alleviating the damage, loss, hardship, or suffering caused thereby.
2. "Disaster or emergency worker" means any person performing disaster or emergency responsibilities or duties at any place in this state subject to the order or control of, or pursuant to a request of, the state government or any political subdivision.
3. "Emergency" means any situation that is determined by the governor to require state or state and federal response or mitigation actions to immediately supplement local governments to protect lives and property, to provide for public health and safety, or to avert or lessen the threat of a disaster.

4. "Emergency management" means a comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to prevent, mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or our environment.

5. "Homeland security" means a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks in the United States.

6. "Incident command system" means a standardized on-scene incident management concept designated specifically to allow responders to adopt an integrated organizational structure equal to the complexity and demands of any single incident or multiple incidents without being hindered by jurisdictional boundaries.

7. "Incident commander" means the individual who sets priorities and defines the organization of a response and who is responsible for all aspects of an emergency response, including developing incident objectives, managing all incident operations, applying resources, and assuming responsibility for all persons involved.

8. "Mass care" means food, clothing, shelter, and other necessary and essential assistance provided to a large number of affected people in response to, or recovery from, a disaster or emergency.

~~8.~~9. "National incident management system" means a system that provides a consistent nationwide approach for federal, state, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents regardless of cause, size, or complexity.

10. "Unified command" means a group of incident commanders whose responsibilities are to supervise a single command and general staff organization to fulfill the role of an incident commander and who represent agencies or jurisdictions that share responsibility for incident management and response for large or complex emergency situations from a single incident command post.

SECTION 2. 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. A person who willfully violates a lawful evacuation order authorized under this chapter is guilty of an infraction.