

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1128

Introduced by

Political Subdivisions Committee

(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; and to
3 declare an emergency.

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

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

7 **37-17.1-16. Immunity and exemption.**

8 1. All functions hereunder and all other activities relating to emergency management
9 are hereby declared to be governmental functions. ~~Neither the~~ The state ~~nor any,~~
10 a county or city or its departments and agencies, or any disaster or emergency
11 worker, 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
14 reasonably attempting to comply with this chapter, or any executive order or
15 disaster or emergency operational plan pursuant to ~~the provisions of~~ this chapter,
16 or pursuant to any ordinance relating to any precautionary measures enacted by
17 any county or city of the state, except in case of willful misconduct, gross
18 negligence, or bad faith, is not liable for the death of or injury to persons, or for
19 damage to property, as a result of any such activity. This section does not affect
20 the right of any person to receive benefits to which that person would otherwise be
21 entitled under this chapter, or under workforce safety and insurance law, or under
22 any pension law, nor the right of any such person to receive any benefits or
23 compensation under any Act of Congress.

- 1 2. Any requirement for a license to practice any professional, mechanical, or other
- 2 skill does not apply to any authorized disaster or emergency worker who, in the
- 3 course of performing ~~their~~ the worker's duties, practices ~~such~~ the professional,
- 4 mechanical, or other skill during a disaster or emergency.
- 5 3. This section does not affect any other provision of law that may provide immunity
- 6 to a person that is providing volunteer assistance.
- 7 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.