

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.

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

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

6 **37-17.1-16. Immunity and exemption.**

- 7 1. All functions hereunder and all other activities relating to emergency management
8 are hereby declared to be governmental functions. Neither the state nor any
9 county or city or its departments and agencies, ~~or~~ any disaster or emergency
10 worker, or any person, organization, or private entity providing goods or services
11 during an emergency, complying with or reasonably attempting to comply with this
12 chapter, or any executive order or disaster or emergency operational plan pursuant
13 to the provisions of this chapter, or pursuant to any ordinance relating to any
14 precautionary measures enacted by any county or city of the state, except in case
15 of willful misconduct, gross negligence, or bad faith, is liable for the death of or
16 injury to persons, or for damage to property, as a result of any such activity. This
17 section does not affect the right of any person to receive benefits to which that
18 person would otherwise be entitled under this chapter, or under workforce safety
19 and insurance law, or under any pension law, nor the right of any such person to
20 receive any benefits or compensation under any Act of Congress.
- 21 2. Any requirement for a license to practice any professional, mechanical, or other
22 skill does not apply to any authorized disaster or emergency worker who, in the
23 course of performing their duties, practices such professional, mechanical, or other
24 skill during a disaster or emergency.

1 3. Neither the state nor any county or city or its departments or agencies, or any
2 disaster or emergency worker, including any association, fraternal organization,
3 private for-profit entity, not-for-profit entity, religious organization, or charitable
4 organization and the officers, directors, employees, and agents of such
5 associations, organizations, and entities, when such persons, associations,
6 organizations, or entities are working in coordination and under the direction of an
7 appropriate state agency, who voluntarily and without the expectation or receipt of
8 compensation provides services or goods in preparation for, anticipation of, or
9 during a time of emergency and in a place of emergency as declared by the
10 governor for the benefit of any natural person or a person's property to prevent or
11 minimize harm to such natural person or to prevent, minimize, and repair injury and
12 damage to such person's property resulting from biological, chemical, or nuclear
13 agents; terrorism; pandemics or epidemics of infectious disease; or catastrophic
14 acts of nature, including fire, flood, earthquake, wind, storm, or wave action, or any
15 other occurrence which warrants the declaration of a state emergency or disaster
16 by the governor is not civilly liable to any natural person receiving such assistance
17 as a result of any act or omission in rendering such service if such natural person,
18 association, organization, or entity was acting in good faith and unless the damage
19 or injury was caused by the willful or wanton negligence or misconduct of such
20 natural person, association, organization, or entity. Nothing in this section may be
21 construed to amend, repeal, alter, or affect in any manner any other provision of
22 law granting immunity or limiting liability. Nothing in this section may be construed
23 to abrogate the sovereign immunity of this state as to all actions executed by any
24 party under this section.