

**HOUSE BILL NO. 1118**

Introduced by

Representatives Devlin, Becker, Bellew, Delzer, Pollert, M. Ruby, Vigesaa, Weisz

Senator Heckaman

1 A BILL for an Act to amend and reenact subsection 3 of section 37-17.1-05 of the North Dakota  
2 Century Code, relating to the duration of a gubernatorial declaration of disaster or emergency  
3 relating to public health and extension requests; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 37-17.1-05 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 3. A disaster or emergency must be declared by executive order or proclamation of the  
8 governor if the governor determines a disaster has occurred or a state of emergency  
9 exists. The

- 10 a. Except as provided in subdivision b, the state of disaster or emergency shall  
11 continuecontinues until the governor determines ~~that~~ the threat of an emergency  
12 has passed or the governor determines the disaster has been dealt with to the  
13 extent ~~that~~ emergency conditions no longer exist, whichever occurs first.
- 14 b. A declared state of disaster or emergency relating to public health, such as an  
15 epidemic or pandemic, is limited to sixty days, but the governor may request the  
16 legislative assembly approve an extension of the declared state of disaster or  
17 emergency relating to public health. A request must be for a specific number of  
18 days, not to exceed thirty days, beyond the sixty-day declaration or a previously  
19 approved extension. The legislative assembly may approve an extension request  
20 by concurrent resolution. If an extension request is not approved, the declared  
21 state of disaster or emergency relating to public health is deemed expired no  
22 later than the end of the sixtieth day or the end of a previously approved  
23 extension.

- 1           c. The legislative assembly by concurrent resolution may terminate a state of  
2           disaster or emergency at any time.
- 3           d. If a state of disaster or emergency relating to public health terminates after sixty  
4           days or an extension request is not approved, the governor may not declare  
5           another state of disaster or emergency for the same disaster or emergency  
6           conditions.
- 7           e. All executive orders or proclamations issued under this subsection must indicate  
8           the nature of the disaster or emergency, the area or areas threatened, the  
9           conditions ~~which~~that have brought it about or which make possible termination of  
10          the state of disaster or emergency. An executive order or proclamation must be  
11          disseminated promptly by means calculated to bring its contents to the attention  
12          of the general public, unless the circumstances attendant upon the disaster or  
13          emergency prevent or impede such dissemination, and it must be ~~promptly~~ filed  
14          promptly with the department of emergency services, the legislative council, the  
15          secretary of state, and the county or city auditor of the jurisdictions affected.

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