

January 27, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1118

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 37-17.1-05 of the North Dakota Century Code, relating to the governor's authority to issue executive orders during a declared disaster or emergency;"

Page 1, line 1, after "reenact" insert "subsection 12 of section 23-01-05 and"

Page 1, line 2, replace "duration of a" with "authority of the state health officer and the"

Page 1, line 3, remove "relating to public health and extension requests"

Page 1, after line 4 insert:

**"SECTION 1. AMENDMENT.** Subsection 12 of section 23-01-05 of the North Dakota Century Code is amended and reenacted as follows:

12. Issue ~~any orders~~ a written order relating to ~~a disease control measure~~ deemed measure necessary to prevent the spread of ~~a~~ communicable disease. ~~Disease~~ A disease control measure may include ~~a~~ special immunization ~~activities~~ activity and decontamination ~~measures~~ measure. ~~Written orders~~
  - a. The state health officer shall limit a written order issued under this section to the geographical area affected by the communicable disease. The state health officer may not issue a statewide order under this section unless the governor has declared a statewide disaster or emergency under chapter 37-17.1. The statewide order is limited in duration to the duration of the declared disaster or emergency.
  - b. A written order issued under this section shall have the same effect as a physician's standing medical order.
  - c. The state health officer may apply to the district court in a judicial district ~~wherein which~~ a communicable disease is present for an injunction canceling ~~a public event~~ event or closing ~~places~~ a place of business. On application of the state health officer showing the necessity of ~~such~~ the cancellation, the court may issue an ex parte preliminary injunction, pending a full hearing."

Page 1, line 14, remove "A declared state of disaster or emergency relating to public health, such as an"

Page 1, replace lines 15 through 23 with "If a declared state of disaster or emergency relating to public health is in effect and the legislative assembly is not in session, the legislative management may meet to vote on whether the legislative management should request the governor call a special session of the legislative assembly. If the governor does not call a special session within seven days after receiving the request from the legislative management, the declared state of disaster or emergency relating to public health terminates thirty days after the request from the legislative management was received by the governor. If the governor calls a special session within seven days after

receiving the request from the legislative management, the special session must be held within fifteen days of the governor's call for a special session."

Page 2, line 3, remove "If a state of disaster or emergency relating to public health terminates after sixty"

Page 2, remove lines 4 through 6

Page 2, line 7, remove "e."

Page 2, after line 15 insert:

**"SECTION 3.** A new subsection to section 37-17.1-05 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding subsection 3, the governor may not issue an executive order under this section unless the executive order specifically addresses the mitigation of a declared state of disaster or emergency."

Renumber accordingly