Sixty-seventh Legislative Assembly of North Dakota

FIRST ENGROSSMENT

ENGROSSED 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 create and enact a new subsection to section 37-17.1-05 and a new section

2 <u>to chapter 54-03</u> of the North Dakota Century Code, relating to the governor's authority to issue

3 executive orders and permitting a virtual meeting of the legislative management and a virtual

4 <u>session of the legislative assembly</u> during a declared disaster or emergency; to amend and

5 reenact subsection 12 of section 23-01-05 and subsection 3 of section 37-17.1-05 of the North

6 Dakota Century Code, relating to the authority of the state health officer and the gubernatorial

7 declaration of disaster or emergency; and to declare an emergency.

8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

9 SECTION 1. AMENDMENT. Subsection 12 of section 23-01-05 of the North Dakota

10 Century Code is amended and reenacted as follows:

12. Issue any ordersa written order relating to a disease control measures-

12 deemed<u>measure</u> necessary to prevent the spread of <u>a</u> communicable disease.

13 Disease<u>A disease</u> control measures<u>measure</u> may include <u>a</u> special immunization

14 activities activity and decontamination measures measure. Written orders

15a.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 officer16geographical area affected by the communicable disease. The state health officer17may not issue a statewide order under this section unless the governor has
declared a statewide disaster or emergency under chapter 37-17.1 and the
governor consents to the order. The statewide order is limited in duration to the
duration of the declared disaster or emergency unless terminated earlier

21 pursuant to chapter 37-17.1.

<u>b.</u> <u>A written order</u> issued under this section shall have has the same effect as a
 physician's standing medical order.

Sixty-seventh Legislative Assembly

1		<u>C.</u>	The state health officer mayshall apply to the district court in a judicial district
2			wherein which a communicable disease is present for an injunction canceling a
3			public eventsevent or closing placesa place of business. On application of the
4			state health officer showing the necessity of such <u>the</u> cancellation, the court may
5			issue an ex parte preliminary injunction, pending a full hearing.
6	SEC		N 2. AMENDMENT. Subsection 3 of section 37-17.1-05 of the North Dakota
7	Century	Code	e is amended and reenacted as follows:
8	3.	A di	saster or emergency must be declared by executive order or proclamation of the
9		gov	ernor if the governor determines a disaster has occurred or a state of emergency
10		exis	sts. The
11		<u>a.</u>	Except as provided in subdivision b, the state of disaster or emergency shall-
12			continuecontinues until the governor determines that the threat of an emergency
13			has passed or the governor determines the disaster has been dealt with to the
14	L		extent that emergency conditions no longer exist, whichever occurs first.
15		<u>b.</u>	If a declared state of disaster or emergency relating to public health is declared
16			and in effect and the legislative assembly is not in session, the legislative
17			management may meet to vote on whether the legislative management should
18	1		request the governor call a special session of the legislative assembly. If the
19			governor does not call a special session within seven days after receiving the
20			request from the legislative management sends a request to the governor, the
21	1		declared state of disaster or emergency relating to public health terminates thirty
22			days after the request from the legislative management was received by sent to
23	1		the governor. If the governor calls a special session within seven days after
24			receiving the request from the legislative management was sent, the special
25	1		session must be held within fifteen days of the governor's call for a special
26			session. If the legislative assembly meets to address a declared state of disaster
27			or emergency, the legislative assembly by concurrent resolution may terminate,
28			extend, or modify the state of disaster or emergency.
29		<u>C.</u>	The legislative assembly by concurrent resolution may terminate a state of
30			disaster or emergency at any time.

Sixty-seventh Legislative Assembly

1		<u>d.</u> All executive orders or proclamations issued under this subsection must indicate
2		the nature of the disaster or emergency, the area or areas threatened, the
3		conditions whichthat have brought it about or which make possible termination of
4		the state of disaster or emergency. An executive order or proclamation must be
5		disseminated promptly by means calculated to bring its contents to the attention
6		of the general public, unless the circumstances attendant upon the disaster or
7		emergency prevent or impede such dissemination, and it must be promptly filed
8		promptly with the department of emergency services, the legislative council, the
9		secretary of state, and the county or city auditor of the jurisdictions affected.
10	SEC	TION 3. A new subsection to section 37-17.1-05 of the North Dakota Century Code is
11	created	and enacted as follows:
12		Notwithstanding subsection 3, if a state of disaster or emergency relating to public
13		health is declared and in effect, the governor may not issue an executive order under
14		this section unless the executive order specifically addresses the mitigation of athe
15		declared state of disaster or emergency relating to public health.
16	SEC	TION 4. A new section to chapter 54-03 of the North Dakota Century Code is created
16 17		CTION 4. A new section to chapter 54-03 of the North Dakota Century Code is created cted as follows:
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17	and ena <u>Virt</u> u	cted as follows:
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legal effect as if the members of the legislative assembly were physically present at
 the seat of government.
 SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.