

SENATE BILL NO. 2145

Introduced by

Government and Veterans Affairs Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact section 37-17.1-12 of the North Dakota Century Code,
2 relating to disaster emergency claims for compensation.

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

4 **SECTION 1. AMENDMENT.** Section 37-17.1-12 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **37-17.1-12. Compensation - Entitlement - Time - Amount.**

- 7 1. Persons within this state shall conduct themselves and keep and manage their
8 affairs and property in ways that will reasonably assist and will not unreasonably
9 detract from the ability of the state and the public to effectively mitigate, prepare
10 for, respond to, and recover from a disaster or emergency. This obligation includes
11 appropriate personal service and use or restriction on the use of property in time of
12 disaster or emergency. This chapter neither increases nor decreases these
13 obligations but recognizes their existence under the Constitution of North Dakota
14 and statutes of this state and the common law. Compensation for services or for
15 the taking or use of property must be only to the extent that obligations recognized
16 herein are exceeded in a particular case and then only to the extent that the
17 claimant may not be deemed to have volunteered ~~his~~ that person's services or
18 property without compensation.
- 19 2. ~~No personal~~ Personal services may not be compensated by the state or any
20 county or city thereof, except pursuant to statute or local law or ordinance.
- 21 3. Compensation for property must be only if the property was commandeered or
22 otherwise used in management of a disaster or emergency declared by the
23 governor and its use or destruction was ordered by the governor.

- 1 4. Any person claiming compensation for the use, damage, loss, or destruction of
2 property under this chapter shall file a written claim therefor with the office of
3 management and budget in the form and manner required by the office. The claim
4 for compensation must be received by the office of management and budget within
5 one hundred eighty days after the use, damage, loss, or destruction of the property
6 pursuant to the governor's order under section 37-17.1-05 is discovered or
7 reasonably should have been discovered or compensation under this chapter is
8 waived.
- 9 5. Unless the amount of compensation on account of property damaged, lost, or
10 destroyed is agreed between the claimant and the office of management and
11 budget, the amount of compensation must be calculated in the same manner as
12 compensation due for a taking of property pursuant to the condemnation laws of
13 this state.