

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2409

Introduced by

Senators Traynor, Heitkamp

1 A BILL for an Act to amend and reenact section 32-23-11 of the North Dakota Century Code,
2 relating to parties in a declaratory action.

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

4 **SECTION 1. AMENDMENT.** Section 32-23-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-23-11. Parties.** When declaratory relief is sought, all persons who have or claim
7 any interest ~~which~~ that would be affected by the declaration ~~shall~~ must be made parties, and ~~no~~
8 a declaration shall may not prejudice the rights of persons not parties to the proceeding. In any
9 proceeding ~~which~~ that involves the validity of a municipal ordinance or franchise, ~~such~~ the
10 municipality ~~shall~~ must be made a party, and ~~shall be~~ is entitled to be heard, and if the statute,
11 ordinance, or franchise is alleged to be unconstitutional, the attorney general of the state ~~also~~
12 shall must be served with a copy of the proceeding and ~~shall be~~ is entitled to be heard. Any
13 trade or professional association authorized to do business in the state and whose members
14 are licensed and regulated by state or federal agencies has standing to bring an action for
15 declaratory judgment to determine any question of construction or validity of any statute,
16 ordinance, resolution, rule, or regulation that threatens to injure its members.