

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

SENATE BILL NO. 2409
(Senators Traynor, Heitkamp)

AN ACT to amend and reenact section 32-23-11 of the North Dakota Century Code, relating to parties in a declaratory action.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

32-23-11. Parties. When declaratory relief is sought, all persons who have or claim any interest ~~which that~~ would be affected by the declaration ~~shall~~ must be made parties, and ~~ne a~~ a declaration ~~shall~~ may not prejudice the rights of persons not parties to the proceeding. In any proceeding ~~which that~~ involves the validity of a municipal ordinance or franchise, ~~such the~~ the municipality ~~shall~~ must be made a party, and ~~shall be~~ is entitled to be heard, and if the statute, ordinance, or franchise is alleged to be unconstitutional, the attorney general of the state ~~also shall~~ must be served with a copy of the proceeding and ~~shall be~~ is entitled to be heard. Any trade or professional association authorized to do, and doing, business in the state and whose members are licensed and regulated by state or federal agencies has standing to bring an action for declaratory judgment to determine any question of construction or validity of any statute, ordinance, resolution, rule, or regulation that threatens to injure its members.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2409.

Senate Vote: Yeas 48 Nays 0 Absent 1

House Vote: Yeas 96 Nays 0 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State