

Sixty-third  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1043

Introduced by

Legislative Management

(Judiciary Committee)

1 A BILL for an Act to amend and reenact sections 11-11-02 and 11-28.3-09, subsection 7 of  
2 section 12-60-26, section 15.1-20-04, subsection 2 of section 15.1-23-02, subsection 2 of  
3 section 28-32-10, subsection 1 of section 29-15-21, subsection 1 of section 43-44-07, sections  
4 43-44-08 and 43-44-09, subsection 4 of section 43-44-10, subsection 1 of section 43-44-15,  
5 subsection 5 of section 57-64-02, section 64-02-09, and subsection 1 of section 65-02-35 of the  
6 North Dakota Century Code, relating to technical corrections and improper, inaccurate,  
7 redundant, missing, or obsolete references; and to repeal section 54-03-01.11 of the North  
8 Dakota Century Code, relating to obsolete provisions.

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

10 **SECTION 1. AMENDMENT.** Section 11-11-02 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **11-11-02. Commissioner must be resident of district - Exceptions.**

13 Each county commissioner shall be chosen by the qualified electors of the district of which  
14 the commissioner is a resident, except as otherwise provided in section 11-07-03 or 11-07-06.

15 **SECTION 2. AMENDMENT.** Section 11-28.3-09 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **11-28.3-09. Emergency medical service policy to be determined.**

18 The board of directors shall establish a general emergency medical service policy for the  
19 district and shall annually estimate the probable expense for carrying out that policy. The  
20 estimate shall be certified by the president and secretary to the proper county auditor or county  
21 auditors, on or before June thirtieth of each year. The auditor or auditors shall levy a tax not to  
22 exceed ~~five~~ten mills upon the taxable property within the district for the maintenance of the  
23 ambulance service district for the fiscal year as provided by law. The tax shall be:

24 1. Collected as other taxes are collected in the county.

- 1           2.    Turned over to the secretary-treasurer of the rural ambulance service district, who
- 2                   shall be bonded in the amount of at least five thousand dollars.
- 3           3.    Deposited by the secretary-treasurer in a state or national bank in a district account.
- 4           4.    Paid out upon warrants drawn upon the district account by authority of the board of
- 5                   directors of the district, bearing the signature of the secretary-treasurer and the
- 6                   countersignature of the president.

7    In no case shall the amount of the tax levy exceed the amount of funds required to defray the  
8    expenses of the district for a period of one year as embraced in the annual estimate of expense,  
9    including the amount of principal and interest upon the indebtedness of the district for the  
10   ensuing year. The district may include in its operating budget no more than ten percent of its  
11   annual operating budget as a depreciation expense to be set aside in a dedicated emergency  
12   medical services sinking fund deposited with the treasurer for the replacement of equipment  
13   and ambulances. The ten percent emergency medical services sinking fund may be in addition  
14   to the actual annual operating budget, but the total of the annual operating budget and the  
15   annual ten percent emergency medical services sinking fund shall not exceed the approved mill  
16   levy.

17           **SECTION 3. AMENDMENT.** Subsection 7 of section 12-60-26 of the North Dakota Century  
18   Code is amended and reenacted as follows:

- 19           7.    For purposes of this section:
  - 20                   a.    "Flag the records" means marking the division of vital records, school, day care,
  - 21                            or home education records in such a manner that any personnel viewing that
  - 22                            record will be automatically alerted that the child or individual has been reported
  - 23                            as lost, missing, or runaway.
  - 24                   b.    "Home education" means a program of education supervised by a child's parent,  
25                            ~~in the child's home,~~ in accordance with the requirements of chapter 15.1-23.
  - 26                   c.    "Proof of identity" means a certified copy of a birth certificate, a certified
  - 27                            transcript, or similar student records from the previous school, or any other
  - 28                            documentary evidence the school, licensed day care facility, or school
  - 29                            superintendent considers appropriate proof of identity.

- 1           d. "School" or "licensed day care facility" means all elementary and secondary  
2           schools, licensed day care centers, licensed child care facilities, headstart  
3           programs, and nursery schools whether public or nonpublic.

4           **SECTION 4. AMENDMENT.** Section 15.1-20-04 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **15.1-20-04. Home education - Definition.**

7           For purposes of this chapter, "home education" means ~~an educational program for a child~~  
8 ~~provided a program of education supervised by a child's parent in accordance with chapter~~  
9 ~~15.1-23 by the child's parent in the child's home.~~

10          **SECTION 5. AMENDMENT.** Subsection 2 of section 15.1-23-02 of the North Dakota  
11 Century Code is amended and reenacted as follows:

- 12          2. The statement must be accompanied by a copy of the child's immunization record and  
13          proof of the child's identity as required by section ~~54-23-2-04~~ 212-60-26.

14          **SECTION 6. AMENDMENT.** Subsection 2 of section 28-32-10 of the North Dakota Century  
15 Code is amended and reenacted as follows:

- 16          2. The agency shall mail or deliver a copy of the agency's full notice and proposed rule to  
17          each member of the legislative assembly whose name appeared as a sponsor or  
18          cosponsor of legislation enacted during the most recent session of the legislative  
19          assembly which is being implemented by the proposed rule and to each person who  
20          has made a timely request to the agency for a copy of the notice and proposed rule.  
21          The agency may mail or otherwise provide a copy of the agency's full notice to any  
22          person who is likely to be an interested person. ~~The agency shall mail or deliver a~~  
23          ~~copy of the rules to each member of the legislative assembly whose name appeared~~  
24          ~~as a sponsor or cosponsor of legislation enacted during the most recent session of the~~  
25          ~~legislative assembly which is being implemented by the proposed rule and to any~~  
26          ~~person requesting a copy.~~ The agency may charge persons who are not members of  
27          the legislative assembly fees for copies of the proposed rule as allowed under section  
28          44-04-18.

29          **SECTION 7. AMENDMENT.** Subsection 1 of section 29-15-21 of the North Dakota Century  
30 Code is amended and reenacted as follows:

- 1           1. Subject to the provisions of this section, any party to a civil or criminal action or  
2           proceeding pending in the district court may obtain a change of the judge before whom  
3           the trial or any proceeding with respect thereto is to be heard by filing with the clerk of  
4           the court in which the action or proceeding is pending the original of a written demand  
5           for change of judge, executed in ~~triplicate~~ either:
- 6           a. By the personal signature of the party, if an individual, and by the personal  
7           signature of an authorized officer or manager, if a corporation, limited liability  
8           company, or association; or
- 9           b. By the attorney for a party with the permission of the party, in which event the  
10          attorney shall file with the demand a certificate that the attorney has mailed a  
11          copy of the demand to such party.

12           **SECTION 8. AMENDMENT.** Subsection 1 of section 43-44-07 of the North Dakota Century  
13 Code is amended and reenacted as follows:

- 14          1. An applicant for licensure as a licensed nutritionist must file a written application with  
15          the board and:
- 16          a. Have satisfactorily completed academic requirements required by the board, and  
17          have received a baccalaureate degree in the field of dietetics or food and  
18          nutrition, as approved by the board, from an accredited college or university;
- 19          b. Have received a master's or doctorate degree in human nutrition, nutrition  
20          education, foods and nutrition, or public health nutrition from an accredited  
21          college or university, or have received a master's or doctorate degree in a related  
22          field that meets eligibility requirements of the commission on dietetic registration  
23          of the ~~American dietetic association~~academy of nutrition and dietetics or its  
24          predecessor or successor organization;
- 25          c. Maintain membership in one of the following organizations: American institute of  
26          nutrition, American society for clinical nutrition, or the American board of nutrition;  
27          or
- 28          d. Present evidence to the board regarding employment and competence as a  
29          nutritionist before July 1, 1985, and the inability to meet the criteria of subdivision  
30          a, b, or c.

1       **SECTION 9. AMENDMENT.** Section 43-44-08 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **43-44-08. Requirements for licensure - Licensed registered dietitian.**

4       1. Applicants for licensure as a licensed registered dietitian must:

5           a. Comply with subsection 1 of section 43-44-07.

6           b. Have satisfactorily completed the education and experience requirements for  
7 dietitians approved by the commission on dietetic registration of the ~~American-~~  
8 ~~dietetic association~~academy of nutrition and dietetics or its predecessor or  
9 successor organization.

10          c. Have satisfactorily completed the examination approved and administered by the  
11 commission on dietetic registration of the ~~American dietetic association~~academy  
12 of nutrition and dietetics or its predecessor or successor organization.

13       2. Applicants for renewal of licensure as a licensed registered dietitian must:

14           a. Comply with subsection 1.

15           b. Have satisfactorily completed continuing education requirements specified by the  
16 commission on dietetic registration of the ~~American dietetic association~~academy  
17 of nutrition and dietetics or its predecessor or successor organization.

18       **SECTION 10. AMENDMENT.** Section 43-44-09 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20       **43-44-09. Waiver of requirements for licensure of dietitians.**

21       Upon application, the board shall grant a license to any person certified prior to July 1,  
22 1985, as a registered dietitian by the commission on dietetic registration of the ~~American dietetic-~~  
23 ~~association~~academy of nutrition and dietetics or its predecessor or successor organization.

24       Upon application of any person certified by the commission on dietetic registration of the  
25 ~~American dietetic association~~academy of nutrition and dietetics or its predecessor or successor  
26 organization after July 1, 1985, the board may waive the examination, education, and  
27 experience requirements and grant the applicant a license if the board determines that the  
28 requirements for certification are equivalent to the related requirements for licensure in this  
29 chapter.

30       **SECTION 11. AMENDMENT.** Subsection 4 of section 43-44-10 of the North Dakota Century  
31 Code is amended and reenacted as follows:

- 1           4. Any person who does not meet the requirements of subdivision a, b, or c of subsection  
2           1 of section 43-44-07, and who provides nutrition care services, including weight  
3           control programs, under the supervision of a licensed registered dietitian, a dietitian  
4           licensed in another state that has licensure requirements considered by the board to  
5           be at least as stringent as the requirements for licensure under this chapter, or a  
6           dietitian registered by the commission on dietetic registration of the ~~American dietetic~~  
7           ~~association~~academy of nutrition and dietetics or its predecessor or successor  
8           organization.

9           **SECTION 12. AMENDMENT.** Subsection 1 of section 43-44-15 of the North Dakota  
10 Century Code is amended and reenacted as follows:

- 11           1. The board may deny a license, refuse to renew a license, suspend a license, or  
12           revoke a license, or may impose probationary conditions on a licensee if the licensee  
13           or applicant has been found guilty of unprofessional conduct which has endangered or  
14           is likely to endanger the health, welfare, or safety of the public. Unprofessional  
15           conduct includes:
- 16           a. Obtaining a license by means of fraud, misrepresentation, or concealment of  
17           material facts.
  - 18           b. Being guilty of unprofessional conduct as defined by rules adopted by the board,  
19           or violating any code of ethics adopted by the ~~American dietetic~~  
20           ~~association~~academy of nutrition and dietetics or its predecessor or successor  
21           organization.
  - 22           c. Being convicted of an offense, as defined by section 12.1-01-04, that the board  
23           determines has a direct bearing upon a person's ability to serve the public as a  
24           licensed registered dietitian or a licensed nutritionist or, following conviction of  
25           any offense, if the board determines that the person is not sufficiently  
26           rehabilitated under section 12.1-33-02.1.
  - 27           d. Violating any lawful order or rule of the board.
  - 28           e. Violating this chapter.

29           **SECTION 13. AMENDMENT.** Subsection 5 of section 57-64-02 of the North Dakota  
30 Century Code is amended and reenacted as follows:

1           5. For purposes of this section, "taxable valuation" means the valuation to which the mill  
2           rate is applied to determine the amount of ad valorem taxes or payments in lieu of  
3           taxes, and includes taxable valuation determined for agricultural, residential, and  
4           commercial property; railroad property assessed by the state board of equalization  
5           under chapter 57-05; gas company property, pipeline property, and power company  
6           property, ~~and railroad property~~ assessed by the state board of equalization under  
7           chapter 57-06; mobile homes under chapter 57-55; land controlled by the game and  
8           fish department subject to valuation under chapter 57-02.1; land owned by the board  
9           of university and school lands or the state treasurer subject to valuation under chapter  
10          57-02.3; national guard land subject to valuation under chapter 37-07.3; farmland or  
11          ranchland owned by nonprofit organizations for conservation purposes subject to  
12          valuation under section 10-06.1-10; land acquired by the state water commission for  
13          the Devils Lake project subject to valuation under chapter 61-02; a workforce safety  
14          and insurance building and associated real property subject to valuation under section  
15          65-02-32; and carbon dioxide pipeline property subject to valuation under section  
16          57-06-17.2. For purposes of this section, "taxable valuation" includes the taxable  
17          valuation of the homestead credit reimbursed by the state under section 57-02-08.2  
18          and the disabled veterans' credit reimbursed by the state under section 57-02-08.8.

19          **SECTION 14. AMENDMENT.** Section 64-02-09 of the North Dakota Century Code is  
20          amended and reenacted as follows:

21          **64-02-09. Standards of weights and measures.**

22          The commission shall maintain the following standards of weights and measures, which  
23          must conform to the United States standards:

- 24          1. One surveyor's chain, ~~thirty-three standards~~ sixty-six United States survey feet  
25             ~~[10.06 meters]~~ in length.
- 26          2. One yard ~~[-9144 meter in meters, equal to 36 divided by 39.37]~~ measure.
- 27          3. One United States survey foot [-3048 meter in meters, equal to 12 divided by 39.37]  
28             measure and one international foot [exactly .3048 meters] measure.
- 29          4. One inch [25.40 millimeters] measure.
- 30          5. One one hundred pound [45.36 kilograms] weight.
- 31          6. One fifty pound [22.68 kilograms] weight.

- 1        7.    One twenty-five pound [11.34 kilograms] weight.
- 2        8.    One ten pound [4.54 kilograms] weight.
- 3        9.    One one pound [.4536 kilogram] weight.
- 4        10.   One half-pound [.2268 kilogram] weight.
- 5        11.   One quarter-pound [.1134 kilogram] weight.
- 6        12.   One one-eighth of a pound [.0567 kilogram] weight.
- 7        13.   One one-sixteenth of a pound [.0284 kilogram] weight or one ounce [28.35 grams]
- 8                weight.
- 9        14.   One set of apothecaries' weights from one pound [.4536 kilogram] to one grain [64.80
- 10               milligrams] and one set of troy weights from one pound [.3732 kilogram] to one grain
- 11               [64.80 milligrams].
- 12        15.   Other weighing and measuring devices necessary to test and calibrate standards.

13    These standards are the legal standards of weights and measures for this state, and must be  
14    used for testing the secondary standards used to test weighing or measuring devices.

15        **SECTION 15. AMENDMENT.** Subsection 1 of section 65-02-35 of the North Dakota  
16    Century Code is amended and reenacted as follows:

- 17        1.    The organization shall pay an injured employee's attorney for the fees and costs to  
18                consult with the injured employee regarding a request for rehearing of an  
19                administrative order issued by the organization under section 65-01-16 and chapter  
20                28-32. The attorney's fees and costs under this section are for the purpose of an initial  
21                consultation and review of the claimant's case and are separate from and independent  
22                of the attorney's fees and costs provided for under section 65-02-08. To be eligible for  
23                payment of attorney's fees and costs under this section, before consulting the attorney  
24                the injured employee must first receive a certificate of completion from the decision  
25                review office ~~of independent review~~, and the attorney consultation must take place  
26                after the certificate of completion is issued but before the rehearing is conducted.

27        **SECTION 16. REPEAL.** Section 54-03-01.11 of the North Dakota Century Code is  
28    repealed.