

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1043
(Legislative Management)
(Judiciary Committee)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

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

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

In no case shall the amount of the tax levy exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense, including the amount of principal and interest upon the indebtedness of the district for the ensuing year. The district may include in its operating budget no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated emergency medical services sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent emergency medical services sinking fund may be in addition to the actual annual operating budget, but

the total of the annual operating budget and the annual ten percent emergency medical services sinking fund shall not exceed the approved mill levy.

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

7. For purposes of this section:
 - a. "Flag the records" means marking the division of vital records, school, day care, or home education records in such a manner that any personnel viewing that record will be automatically alerted that the child or individual has been reported as lost, missing, or runaway.
 - b. "Home education" means a program of education supervised by a child's parent, ~~in the child's home,~~ in accordance with the requirements of chapter 15.1-23.
 - c. "Proof of identity" means a certified copy of a birth certificate, a certified transcript, or similar student records from the previous school, or any other documentary evidence the school, licensed day care facility, or school superintendent considers appropriate proof of identity.
 - d. "School" or "licensed day care facility" means all elementary and secondary schools, licensed day care centers, licensed child care facilities, headstart programs, and nursery schools whether public or nonpublic.

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

15.1-20-04. Home education - Definition.

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

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

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

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

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

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

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

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

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

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

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

1. Applicants for licensure as a licensed registered dietitian must:
 - a. Comply with subsection 1 of section 43-44-07.
 - b. Have satisfactorily completed the education and experience requirements for dietitians approved by the commission on dietetic registration of the ~~American dietetic association~~academy of nutrition and dietetics or its predecessor or successor organization.
 - c. Have satisfactorily completed the examination approved and administered by the commission on dietetic registration of the ~~American dietetic association~~academy of nutrition and dietetics or its predecessor or successor organization.
2. Applicants for renewal of licensure as a licensed registered dietitian must:
 - a. Comply with subsection 1.

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

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

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

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

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

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

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

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

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

5. For purposes of this section, "taxable valuation" means the valuation to which the mill rate is applied to determine the amount of ad valorem taxes or payments in lieu of taxes, and

includes taxable valuation determined for agricultural, residential, and commercial property; railroad property assessed by the state board of equalization under chapter 57-05; gas company property, pipeline property, and power company property, and railroad property assessed by the state board of equalization under chapter 57-06; mobile homes under chapter 57-55; land controlled by the game and fish department subject to valuation under chapter 57-02.1; land owned by the board of university and school lands or the state treasurer subject to valuation under chapter 57-02.3; national guard land subject to valuation under chapter 37-07.3; farmland or ranchland owned by nonprofit organizations for conservation purposes subject to valuation under section 10-06.1-10; land acquired by the state water commission for the Devils Lake project subject to valuation under chapter 61-02; a workforce safety and insurance building and associated real property subject to valuation under section 65-02-32; and carbon dioxide pipeline property subject to valuation under section 57-06-17.2. For purposes of this section, "taxable valuation" includes the taxable valuation of the homestead credit reimbursed by the state under section 57-02-08.2 and the disabled veterans' credit reimbursed by the state under section 57-02-08.8.

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

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

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

1. One surveyor's chain, ~~thirty-three standards~~sixty-six United States survey feet [10.06 meters] in length.
2. One yard [~~9144 meter~~in meters, equal to 36 divided by 39.37] measure.
3. One United States survey foot [-3048 meterin meters, equal to 12 divided by 39.37] measure and one international foot [exactly .3048 meters] measure.
4. One inch [25.40 millimeters] measure.
5. One one hundred pound [45.36 kilograms] weight.
6. One fifty pound [22.68 kilograms] weight.
7. One twenty-five pound [11.34 kilograms] weight.
8. One ten pound [4.54 kilograms] weight.
9. One one pound [.4536 kilogram] weight.
10. One half-pound [.2268 kilogram] weight.
11. One quarter-pound [.1134 kilogram] weight.
12. One one-eighth of a pound [.0567 kilogram] weight.
13. One one-sixteenth of a pound [.0284 kilogram] weight or one ounce [28.35 grams] weight.
14. One set of apothecaries' weights from one pound [.4536 kilogram] to one grain [64.80 milligrams] and one set of troy weights from one pound [.3732 kilogram] to one grain [64.80 milligrams].
15. Other weighing and measuring devices necessary to test and calibrate standards.

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

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

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1043.

House Vote: Yeas 94 Nays 0 Absent 0

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State