

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2046

Introduced by

Legislative Council

(Judiciary Committee)

(Senators W. Stenehjem, Traynor, Watne)
(Representatives Kretschmar, Brown, D. Johnson)

1 A BILL for an Act to amend and reenact subsection 4 of section 10-19.1-129, sections
2 11-04-01, 11-18-14, subsection 1 of section 14-07.3-01, subsection 4 of section 15-27.6-13,
3 subsection 10 of section 15-29-08, section 15-37-01, subsection 1 of section 15-45-02,
4 subsection 1 of section 15-47-27.2, sections 15-47-46, 16.1-16-02, subsection 5 of section
5 20.1-03-04, section 23-01-03, subsection 4 of section 23-03-07, section 24-01-13,
6 subsection 13 of section 25-01.3-06, subsection 6 of section 26.1-08-01, section 26.1-41-07,
7 subsection 4 of section 26.1-47-01, section 26.1-48-02, subsection 3 of section 27-01-10,
8 section 28-20.1-02, subsection 1 of section 28-20.1-03, subdivision q of subsection 1 of section
9 28-32-01, subsection 7 of section 30.1-10-03, section 35-21-01, subsection 6 of section
10 37-27-01, subsection 5 of section 38-08-04, subsection 3 of section 39-04-19, subsection 9 of
11 section 41-09-28, sections 42-03-01, 42-03-03, subsection 1 of section 45-22-03, section
12 46-05-01, subsection 2 of section 47-02-27.5, section 50-06-01.8, subdivision a of subsection 4
13 of section 54-52-17, and section 54-56-01 of the North Dakota Century Code, relating to
14 technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and
15 to repeal sections 29-01-32, 32-03-19, and 32-03-26 of the North Dakota Century Code,
16 relating to obsolete provisions relating to damages for breach of promise to marry and
17 seduction.

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

19 **SECTION 1. AMENDMENT.** Subsection 4 of section 10-19.1-129 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 4. Process, notice, or demand may be served on a dissolved corporation as provided
22 in this subsection. The court shall determine if service is proper. If a corporation
23 has voluntarily dissolved or a court has entered a decree of dissolution, service
24 may be made according to subsection 2 so long as claims are not finally barred

1 under section 10-19.1-124. If a corporation has been involuntarily dissolved
2 pursuant to section ~~10-19.1-02.2~~ 10-23-02.2, service may be made according to
3 subsection 2.

4 **SECTION 2. AMENDMENT.** Section 11-04-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-04-01. Selection of candidates for permanent county seat at primary election.**

7 When the temporary county seat of any county has been designated by ~~the governor under~~
8 ~~section 11-02-04, or by~~ the board of county commissioners under section 11-03-07, the
9 question of the permanent location of such county seat may be voted upon at any primary
10 election for the purpose of selecting candidates to be voted upon at the general election.

11 **SECTION 3. AMENDMENT.** Section 11-18-14 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **11-18-14. Register of deeds to remove and destroy certain documents - Records**

14 **to be made.** The register of deeds in each county in this state, unless otherwise earlier
15 permitted by law, shall remove from the files in the register's office, and destroy, all ~~seed liens,~~
16 ~~chattel mortgages, threshing or drying liens, crop production liens, combining liens,~~ agricultural
17 processor's liens, agricultural supplier's liens, agister's liens, mechanic's liens, repairman's
18 liens, unpaid earned insurance premium liens, and sales contracts together with any releases
19 for the ~~same instrument~~ upon which a claim for relief has accrued and which claim for relief is
20 more than ten years old. At the time of destroying the files the register of deeds shall note on
21 the margin of the index opposite the record of each instrument so removed and destroyed the
22 date when the ~~same instrument~~ was destroyed.

23 **SECTION 4. AMENDMENT.** Subsection 1 of section 14-07.3-01 of the 1995
24 Supplement to the North Dakota Century Code is amended and reenacted as follows:

25 1. "Counseling center" means a domestic violence organization as defined in section
26 ~~14-07.1-18~~ 14-07.1-01.

27 **SECTION 5. AMENDMENT.** Subsection 4 of section 15-27.6-13 of the North Dakota
28 Century Code is amended and reenacted as follows:

29 4. "Qualified by certification" means a teacher is qualified pursuant to the laws of this
30 state and the rules of the ~~superintendent of public instruction~~ education standards
31 and practices board to serve as a teacher in a particular class or subject area.

1 **SECTION 6. AMENDMENT.** Subsection 10 of section 15-29-08 of the 1995
2 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3 10. To contract with, employ, and pay all teachers in the schools and, for cause, to
4 dismiss or suspend any teacher when the interests of the school may require it.
5 Except as provided in section 15-29-08.4, every teacher must hold a valid North
6 Dakota teaching certificate issued by the ~~superintendent of public instruction~~
7 education standards and practices board. No person who is related to any
8 member of the board by blood or marriage may be employed as a teacher without
9 the concurrence of two-thirds of the board.

10 **SECTION 7. AMENDMENT.** Section 15-37-01 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15-37-01. Teacher's oath.** Every person who applies for a certificate to teach in any of
13 the public schools of the state shall subscribe to the following oath or affirmation:

14 I do solemnly swear (or affirm) that I will support the Constitution of the United States
15 and the Constitution of the state of North Dakota, and that I will faithfully discharge the duties of
16 my position, according to the best of my ability.

17 The oath or affirmation must be executed in duplicate, and one copy thereof must be filed with
18 the ~~superintendent of public instruction~~ education standards and practices board when the
19 application for a certificate is made, and the other copy must be retained by the person who
20 subscribes to such oath or affirmation. No certificate may be issued unless a duly witnessed or
21 notarized oath or affirmation has been filed.

22 **SECTION 8. AMENDMENT.** Subsection 1 of section 15-45-02 of the North Dakota
23 Century Code is amended and reenacted as follows:

24 1. All kindergarten teachers must hold valid certificates issued under rules adopted
25 by the ~~superintendent of public instruction~~ education standards and practices
26 board as provided in chapter 15-36.

27 **SECTION 9. AMENDMENT.** Subsection 1 of section 15-47-27.2 of the 1995
28 Supplement to the North Dakota Century Code is amended and reenacted as follows:

29 1. The term "teacher", as used in this section, means a contracted state employee
30 holding a professional certificate and certified by the ~~superintendent of public~~
31 ~~instruction~~ education standards and practices board to teach in this state, whose

1 primary task is to provide direct instruction in a classroom, or on an individualized
2 basis, and whose work schedule must be in accordance with the school calendar,
3 guidance counselors, school librarians, itinerant outreach teachers, and vocational
4 and other technological resource personnel who are required to meet the same
5 teaching and certification requirements. ~~Superintendents~~ The term does not
6 include superintendents, assistant superintendents, principals, supervisory
7 personnel, substitutes, and all paraprofessionals ~~are not included in this definition.~~

8 **SECTION 10. AMENDMENT.** Section 15-47-46 of the 1995 Supplement to the North
9 Dakota Century Code is amended and reenacted as follows:

10 **15-47-46. Teacher qualification - Kindergarten through grade eight - Exceptions.**

- 11 1. Except as provided in subsections 2 through 4 or section 15-29-08.4, all teachers
12 teaching kindergarten through grade eight must hold a teaching certificate and:
- 13 a. A minimum of a kindergarten endorsement to teach kindergarten;
 - 14 b. A major, minor, or endorsement in elementary education to teach elementary
15 education in grades one through eight; or
 - 16 c. An endorsement in kindergarten or elementary education from the
17 ~~superintendent of public instruction~~ education standards and practices board
18 attained prior to or within two years of the assignment to teach kindergarten
19 or elementary education. An endorsement may be obtained by completing
20 teaching requirements and a minimum number of credit hours in courses
21 prescribed by the ~~superintendent of public instruction~~ education standards
22 and practices board.
- 23 2. A teacher who holds a teaching certificate and a major or an endorsement in
24 middle school education attained prior to, or within two years of, the assignment to
25 teach middle school may teach grades five through eight.
- 26 3. A teacher who holds a teaching certificate and a major or minor in the course area
27 or field in which the teacher is teaching may teach grades seven and eight.
- 28 4. A teacher who holds a teaching certificate from the education standards and
29 practices board and meets the requirements of the superintendent of public
30 instruction may teach special education, foreign language, art, music, physical
31 education, and computer education in kindergarten through grade eight.

1 **SECTION 11. AMENDMENT.** Section 16.1-16-02 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **16.1-16-02. Who may contest election.** A defeated candidate or ten qualified electors
4 may contest the nomination or election of any person or the approval or rejection of any
5 question or proposition submitted to a vote of the electorate, pursuant to chapters 16.1-04,
6 16.1-05, 16.1-06, 16.1-07, ~~16.1-08~~ 16.1-08.1, 16.1-09, 16.1-10, and 16.1-11. In a county
7 election to change the county seat or to change the boundaries of the county, the complaint
8 must be filed against the board of county commissioners, who shall appear and defend the
9 contest action.

10 **SECTION 12. AMENDMENT.** Subsection 5 of section 20.1-03-04 of the 1995
11 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12 5. Residents may fish without a resident fishing license ~~or trout and salmon license~~
13 ~~stamp~~ on free fishing days. The date of these free fishing days may be set by
14 proclamation by the governor.

15 **SECTION 13. AMENDMENT.** Section 23-01-03 of the 1995 Supplement to the North
16 Dakota Century Code is amended and reenacted as follows:

17 **23-01-03. Powers and duties of the health council.** The health council shall:

- 18 1. Fix, subject to the provisions of section 23-01-02, the time and place of the
19 meetings of the council.
- 20 2. Make rules and regulations for the government of the council and its officers and
21 meetings.
- 22 3. Establish standards, rules, and regulations which are found necessary for the
23 maintenance of public health, including sanitation and disease control.
- 24 4. Provide for the development, establishment, and enforcement of basic standards
25 for hospitals and related medical institutions which render medical and nursing
26 care, and for the construction and maintenance of such institutions, such
27 standards to cover matters pertaining to sanitation, building construction, fire
28 protection measures, nursing procedures, and preservation of medical records.
29 No rule may be adopted with respect to building construction of existing medical
30 hospitals or related medical institutions unless the rule relates to safety factors or
31 the hospital or related medical institution changes the scope of service in such a

1 way that a different license is required from the department pursuant to rules
2 adopted under chapter 23-16.

3 5. Hold hearings on all matters brought before it by applicants and licensees of
4 medical hospitals with reference to the denial, suspension, or revocation of
5 licenses and make appropriate determination as specified herein.

6 ~~6. Regulate the expansion of long term care facilities and services through the~~
7 ~~certificate of need process under chapter 23-17.2.~~

8 The council may direct the state health officer to do or cause to be done, any or all of the things
9 which may be required in the proper performance of the various duties placed upon the state
10 department of health.

11 **SECTION 14. AMENDMENT.** Subsection 4 of section 23-03-07 of the 1995
12 Supplement to the North Dakota Century Code is amended and reenacted as follows:

13 4. Enforce cleanliness in schools, and inspect overcrowded, poorly ventilated, and
14 unsanitary schoolhouses and, when necessary, report cases of unsanitary or
15 unsafe school buildings to the county board of health for investigation ~~as provided~~
16 ~~in section 15-47-23.~~

17 **SECTION 15. AMENDMENT.** Section 24-01-13 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **24-01-13. Enforcement of highway laws - Vehicle size and weight controlled.** The
20 director and each officer and inspector of the department, designated by ~~him, shall enforce the~~
21 ~~provisions of chapter 49-18, and has~~ the director, have general police powers with respect to
22 enforcement of all laws pertaining to the use of motor vehicles and trailers, other than
23 passenger cars and motorcycles, upon the highways, roads, and streets of this state and may:

24 1. Classify highways and enforce limitations as to weight and load of vehicles thereon
25 as provided for under section 39-12-01.

26 2. Issue special written permits authorizing the operation of oversized or overweight
27 vehicles as provided for under section 39-12-02.

28 3. Prohibit the operation, or may impose restrictions on vehicular use of highways
29 during certain seasons of the year as provided for under section 39-12-03.

30 **SECTION 16. AMENDMENT.** Subsection 13 of section 25-01.3-06 of the North
31 Dakota Century Code is amended and reenacted as follows:

1 13. Contract with any person, public or private, to carry out any responsibilities of the
2 project under this chapter and sections 25-01-01.1, ~~50-26-01, 50-26-03, 50-26-04,~~
3 and 50-27-03.

4 **SECTION 17. AMENDMENT.** Subsection 6 of section 26.1-08-01 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 6. "Insurance company" means a company or organization operating pursuant to
7 chapter 26.1-17, ~~26.1-18~~ 26.1-18.1, or 26.1-36 and offering or selling accident and
8 health insurance policies or health care or health service contracts. The term does
9 not include a health service corporation operating under chapter 26.1-17 which
10 does not write hospital or medical service contracts.

11 **SECTION 18. AMENDMENT.** Section 26.1-41-07 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **26.1-41-07. Persons not entitled to benefits.** Basic or optional excess no-fault
14 benefits are not payable to or on behalf of any person who is injured while:

- 15 1. Occupying any motor vehicle without the expressed or implied consent of the
16 owner or while not in lawful possession of the motor vehicle.
- 17 2. Occupying a motor vehicle owned by such person which is not insured for the
18 benefits required by this chapter unless uninsured solely because the insurance
19 company of the owner has not filed a form pursuant to subsection 2 of section
20 26.1-41-05 to provide the basic no-fault benefits required by this chapter.
- 21 3. During a racing or speed contest, or in practicing or preparing for a racing or speed
22 contest.
- 23 4. Intentionally causing or attempting to cause injury to oneself or another person.

24 **SECTION 19. AMENDMENT.** Subsection 4 of section 26.1-47-01 of the North Dakota
25 Century Code is amended and reenacted as follows:

26 4. "Health care insurer" includes an insurance company as defined in section
27 26.1-02-01, a health service corporation as defined in section 26.1-17-01, a health
28 maintenance organization as defined in section ~~26.1-18-04~~ 26.1-18.1-01, and a
29 fraternal benefit society as defined in section ~~26.1-15-04~~ 26.1-15.1-02.

30 **SECTION 20. AMENDMENT.** Section 26.1-48-02 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **26.1-48-02. North Dakota aftermarket risk contract.** The sale of aircraft and aircraft
2 components sold by an aviation manufacturer and the performance of any modification,
3 maintenance, alteration, repair, or installation of components in aircraft in this state are
4 governed by an aftermarket risk contract. The contract between the seller or aviation ~~manager~~
5 manufacturer and the purchaser must be executed at the time of purchase and reconsidered at
6 each subsequent resale. The first and subsequent seller or aviation manufacturer shall agree
7 to be bound by North Dakota law and the aftermarket risk contract or to provide a fully paid
8 aftermarket product liability insurance policy that covers exposure to tort liability within the
9 United States. The option of providing the insurance policy applies only to aircraft or aircraft
10 components that sell for more than two thousand dollars.

11 **SECTION 21. AMENDMENT.** Subsection 3 of section 27-01-10 of the 1995
12 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 13 3. The governing body of the county or city may determine the amount of the fee to
14 be assessed in all cases or it may authorize the district or municipal judge to
15 determine the amount of the fee to be assessed in each case. The fee assessed
16 under this section is in addition to any fine, penalty, costs, or administrative fee
17 prescribed by law. The ~~county~~ district or municipal judge may assess the fee
18 when sentence is imposed or when sentence is suspended or imposition of
19 sentence is deferred, unless the defendant is indigent and unable to pay the fee.
20 All fees paid to a ~~county~~ district or municipal court under this section must be
21 deposited monthly in the county or city treasury for allocation by the governing
22 body of the county or city to one or more of the following programs as determined
23 by the governing body:
- 24 a. A private, nonprofit domestic violence or sexual assault program.
 - 25 b. A victim and witness advocacy program of which the primary function is to
26 provide direct services to victims of and witnesses to crime.

27 **SECTION 22. AMENDMENT.** Section 28-20.1-02 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **28-20.1-02. Filing and status of foreign judgments.** A copy of any foreign judgment
30 authenticated in accordance with the act of Congress or the statutes of this state may be filed in
31 the office of the clerk of any district court ~~or county court~~ of any county of this state. The clerk

1 shall treat the foreign judgment in the same manner as a judgment of the district court of any
2 county of this state. A judgment so filed has the same effect and is subject to the same
3 procedures, defenses, and proceedings for reopening, vacating, or staying as a judgment of a
4 district court ~~or county court~~ of any county of this state and may be enforced or satisfied in like
5 manner.

6 **SECTION 23. AMENDMENT.** Subsection 1 of section 28-20.1-03 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. At the time of filing of the foreign judgment, the judgment creditor or ~~his~~ the
9 judgment creditor's lawyer shall make and file with the clerk of court an affidavit
10 setting forth the name and last known post-office address of the judgment ~~creditor~~
11 debtor and otherwise complying with section 28-20-15.

12 **SECTION 24. AMENDMENT.** Subdivision q of subsection 1 of section 28-32-01 of the
13 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

14 q. The superintendent of public instruction, except with respect to rules
15 prescribed under section 15-21-07 ~~and rules implementing chapter 15-22.~~

16 **SECTION 25. AMENDMENT.** Subsection 7 of section 30.1-10-03 of the North Dakota
17 Century Code is amended and reenacted as follows:

18 7. After all right to appeal has been exhausted, a judgment of conviction establishing
19 criminal accountability for the felonious and intentional killing of the decedent
20 conclusively establishes the convicted individual as the decedent's killer for
21 purposes of this section. In the absence of a conviction, the court, upon the
22 petition of an interested person, must determine whether, under the
23 preponderance ~~or~~ of evidence standard, the individual would be found criminally
24 accountable for the felonious and intentional killing of the decedent. If the court
25 determines that, under that standard, the individual would be found criminally
26 accountable for the felonious and intentional killing of the decedent, the
27 determination conclusively establishes that individual as the decedent's killer for
28 purposes of this section.

29 **SECTION 26. AMENDMENT.** Section 35-21-01 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **35-21-01. Release of lien by undertaking authorized.** When any mechanic's lien,
2 garage storage lien, repairman's lien, ~~seed lien, sugar beet production lien, crop production~~
3 ~~lien, threshing lien,~~ agricultural processor's lien, agricultural supplier's lien, unpaid earned
4 insurance premium lien, or miner's lien is filed against the property of a resident of this state,
5 the property affected may be released by an undertaking in the manner provided in this
6 chapter.

7 **SECTION 27. AMENDMENT.** Subsection 6 of section 37-27-01 of the 1995
8 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 9 6. "Resident" means a person who has filed a resident North Dakota income tax
10 return for the year prior to May 3, 1993, and who:
- 11 a. Was born in and lived in North Dakota until entrance into the armed forces of
12 the United States;
 - 13 b. Was born in, but was temporarily living outside North Dakota, not having
14 abandoned North Dakota residence at the time of entrance into the armed
15 forces of the United States;
 - 16 c. Was born elsewhere but had resided in North Dakota for the last twelve
17 months before entrance into military service and had prior to or during that
18 ~~six-month~~ twelve-month period:
 - 19 (1) Voted in North Dakota;
 - 20 (2) Was an emancipated minor during the period of residence or had lived
21 with a parent or person standing in loco parentis who was a resident; or
 - 22 (3) Was not registered for voting in another state after being a resident; or
 - 23 d. Was a bona fide resident of North Dakota at the time of entering the armed
24 forces, as determined under the rules of the adjutant general and the laws of
25 this state. A person is not a resident of North Dakota for the purpose of
26 receiving any benefits under this chapter if the person was on continuous
27 active duty in the armed forces for a period of seven years or more,
28 immediately prior to the qualifying period of service, and has not established
29 actual abode in North Dakota prior to May 3, 1993.

30 **SECTION 28. AMENDMENT.** Subsection 5 of section 38-08-04 of the 1995
31 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1 5. To adopt and to enforce rules and orders to effectuate the purposes and the intent
2 of this chapter and of subsections 1, ~~4, 5,~~ 6, ~~and 7, 8, and 10~~ of section
3 57-51.1-01.

4 **SECTION 29. AMENDMENT.** Subsection 3 of section 39-04-19 of the 1995
5 Supplement to the North Dakota Century Code as effective until June 30, 2000, is amended
6 and reenacted as follows:

7 3. Motor vehicles acquired by disabled veterans under the provisions of Public Law
8 79-663 [38 U.S.C. ~~4904~~ 3901] are exempt from the payment of state sales or use
9 tax and, if paid, such veterans are entitled to a refund. This exemption also
10 applies to any passenger motor vehicle or pickup truck not exceeding ten thousand
11 pounds [4535.92 kilograms] gross weight but shall apply to no more than two such
12 motor vehicles owned by a disabled veteran at any one time.

13 **SECTION 30. AMENDMENT.** Subsection 3 of section 39-04-19 of the 1995
14 Supplement to the North Dakota Century Code as effective after June 29, 2000, is amended
15 and reenacted as follows:

16 3. Motor vehicles acquired by disabled veterans under the provisions of Public Law
17 79-663 [38 U.S.C. ~~4904~~ 3901] are exempt from the payment of state sales or use
18 tax and, if paid, such veterans are entitled to a refund. This exemption also
19 applies to any passenger motor vehicle or pickup truck not exceeding ten thousand
20 pounds [4535.92 kilograms] gross weight but shall apply to no more than two such
21 motor vehicles owned by a disabled veteran at any one time.

22 **SECTION 31. AMENDMENT.** Subsection 9 of section 41-09-28 of the 1995
23 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24 9. If a secured party who has perfected a security interest in crops or livestock, or if a
25 lienholder who has created a lien by statute or otherwise; which includes liens for
26 ~~threshing;~~ crop or agricultural product processing; ~~crop production;~~ fertilizer, farm
27 ~~chemicals, and seed;~~ agricultural supplies; and landlord's lien; intends to impose
28 liability for ~~such~~ the security interest or lien against a crop or livestock buyer, the
29 name of the secured party or lienholder must appear on the most current list or
30 lists distributed by the secretary of state pursuant to subsection 4 of section
31 41-09-46. In order to appear on the list or lists, secured parties or lienholders must

1 file with the secretary of state or in the office of the register of deeds in any county
2 in this state a form prescribed by the secretary of state which contains the
3 information prescribed by the secretary of state under section 41-09-41 or
4 contained on a form prescribed by the secretary of state under section 35-17-04,
5 35-30-02, or 35-31-02.

6 **SECTION 32. AMENDMENT.** Section 42-03-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **42-03-01. When dogs are a public nuisance.** Any dog that habitually molests
9 ~~persons~~ a person traveling peaceably on the public road, or street, is a public nuisance. Upon
10 ~~written~~ complaint, in writing, made to a county district or municipal judge, containing a
11 ~~description of such~~ describing the dog, and giving his the name of the dog and that of his the
12 dog's owner, if known, and, if not, so stating, and alleging that such the dog is a public
13 nuisance, the county district or municipal judge shall give notice to the dog's owner ~~of such dog~~
14 that a complaint has been filed ~~in his office~~ that such the dog has been molesting certain
15 persons and that the owner shall take the necessary action to prevent the dog from any further
16 violations of this chapter. If the county district or municipal judge receives a further complaint
17 regarding such the dog after notice has been given ~~to the owner that his dog has been~~
18 ~~molesting certain people~~ under this section, the county or municipal judge shall issue a
19 summons, if such the owner is known, commanding ~~him~~ the owner to appear before the county
20 ~~or municipal judge at his office at a time therein stated~~, in the same manner as other county or
21 ~~municipal judge~~ court summonses.

22 **SECTION 33. AMENDMENT.** Section 42-03-03 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **42-03-03. Hearing - Judgment - Execution.** On the day of hearing the county district
25 or municipal judge shall hear the evidence in the case, ~~and, if he shall find therefrom.~~ If the
26 judge finds that such the dog is a public nuisance, ~~he shall enter judgment~~ must be entered
27 accordingly, and ~~thereupon~~ the judge shall order any peace officer to kill and bury the dog,
28 which order the peace officer shall forthwith execute.

29 **SECTION 34. AMENDMENT.** Subsection 1 of section 45-22-03 of the 1995
30 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1 1. In determining whether the underlying general partnership necessary for
2 registration as a domestic limited liability partnership has been formed, the rules
3 set forth in section ~~45-14-01~~ 45-14-02 apply.

4 **SECTION 35. AMENDMENT.** Section 46-05-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **46-05-01. Newspapers qualified to do legal printing - File copies with historical**
7 **society - Publishing notices in adjoining county.** Before any newspaper in this state is
8 qualified to publish any legal notice or any matter required by law to be printed or published in
9 some newspaper in the state, or any public notice for any political subdivision within this state,
10 ~~such~~ the newspaper must:

- 11 1. Have been established in a regular and continuous circulation of at least one year,
12 with a bona fide subscription list of at least one hundred fifty regular subscribers;
- 13 2. Be nonsectarian and printed at least three-fourths in English; and
- 14 3. Have been admitted to the United States mails and have complied with the
15 requirements of the federal laws governing ~~second-class mail~~ periodicals mailing
16 privileges for at least one year.

17 In the county where no newspaper having the above-prescribed qualifications is published, any
18 newspaper at the county seat of ~~said~~ that county is entitled to publish ~~such~~ the legal notices
19 even though it may not have been established one year. The owner or publisher of each legal
20 newspaper shall send to the state historical board, to ~~such~~ the address ~~as must be~~ designated
21 by the secretary ~~thereof~~, two copies of each issue of ~~such~~ the newspaper. In a county in which
22 no newspaper is published, any notice required by law to be published may be published in a
23 newspaper published in an adjoining county and having a general circulation in ~~said~~ the county.

24 **SECTION 36. AMENDMENT.** Subsection 2 of section 47-02-27.5 of the 1995
25 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 26 2. If a contingent property interest or a power of appointment was created before
27 July 1, 1991, and is determined in a judicial proceeding, commenced on or after
28 July 1, 1991, to violate this state's rule against perpetuities as that rule existed
29 before July 1, 1991, a court upon the petition of an interested person may reform
30 the disposition in the manner that most closely approximates the transferor's
31 manifested plan of distribution and is within the limits of the rule against

1 perpetuities applicable ~~in~~ when the contingent property interest or power of
2 appointment was created.

3 **SECTION 37. AMENDMENT.** Section 50-06-01.8 of the 1995 Supplement to the North
4 Dakota Century Code is amended and reenacted as follows:

5 **50-06-01.8. Department to seek waiver to establish welfare reform demonstration**
6 **project - Interim rulemaking.** The department of human services shall seek, from appropriate
7 federal officials, authorization to establish a demonstration project to combine the benefits
8 provided under the state's aid to families with dependent children, fuel assistance, and food
9 stamp programs, pursuant to title IV-A of the Social Security Act [42 U.S.C. 601 et seq.], the
10 low-income home energy assistance program [42 U.S.C. 8621-8629], and the Food Stamp Act
11 [7 U.S.C. 2011-2027]. The demonstration project established under this section must provide
12 for uniform and consistent treatment of income and assets in determining eligibility; provide for
13 the creation of a uniform method of budgeting and computing benefits, a consistent certification
14 period for the receipt of benefits, and uniform reporting requirements; provide for necessary
15 child care to allow a participant to meet educational and employment goals; and provide for
16 universal employment and training to assist individuals in becoming self-sufficient. The project
17 may be administered notwithstanding the requirements of subsections 4 and 5 of section
18 ~~50-04-09~~ 50-01.2-03, section 50-03-07, subsections 17 and 19 of section 50-06-05.1, chapter
19 50-09, and section 50-11.1-11.1, relating to the administration of the aid to families with
20 dependent children, fuel assistance, and food stamp programs, except that a county shall
21 reimburse the state for expenditures for the aid to families with dependent children program in
22 that county as required by section 50-09-21. The demonstration project may require any
23 participant to cooperate with child support enforcement efforts. The department of economic
24 development and finance, job service North Dakota, county social service boards, and any
25 other state agency determined appropriate, shall cooperate with the department to ensure the
26 success of the project. Local government agencies within the demonstration project counties
27 are encouraged to cooperate with the department. Rules adopted to implement the
28 demonstration project may be adopted as interim final rules without a finding that emergency
29 rulemaking is necessary, and the interim final rules may take effect on a date no earlier than
30 the date of filing with the legislative council of the notice of proposed adoption of a rule required
31 by subsection 4 of section 28-32-02.

1 **SECTION 38. AMENDMENT.** Subdivision a of subsection 4 of section 54-52-17 of the
2 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3 a. Normal retirement benefits for all retirees, except supreme and district court
4 judges ~~and national guard security officers or firefighters~~, reaching normal
5 retirement date equal an annual amount, payable monthly, comprised of a
6 service benefit and a prior service benefit, as defined in this chapter, which is
7 determined as follows:

8 (1) Service benefit equals one and seventy-four hundredths percent of final
9 average salary multiplied by the number of years of service
10 employment.

11 (2) Prior service benefit equals one and seventy-four hundredths percent
12 of final average salary multiplied by the number of years of prior service
13 employment.

14 (3) All participants who retired before January 1, 1994, are entitled to
15 benefits calculated at one and seventy-four hundredths percent of final
16 average salary, multiplied by the number of years of service
17 employment, with the increased benefits payable beginning January 1,
18 1994.

19 **SECTION 39. AMENDMENT.** Section 54-56-01 of the 1995 Supplement to the North
20 Dakota Century Code is amended and reenacted as follows:

21 **54-56-01. Children's services coordinating committee - Membership.** The
22 children's services coordinating committee is hereby established and consists of the governor
23 or a designee of the governor, the attorney general or a designee of the attorney general, the
24 commissioner of the board of higher education or a designee of the commissioner, the
25 superintendent of public instruction, the executive director of the department of human
26 services, the state health officer, the executive director of job service North Dakota or a
27 designee of the executive director, the director of the department of corrections and
28 rehabilitation; or a designee of the director of the department of corrections and rehabilitation,
29 the director of the office of management and budget; or a designee of the director of the office
30 of management and budget, the director of vocational and technical education, ~~the chairperson~~
31 ~~of the governor's committee on children and youth or that chairperson's designee, a~~

1 representative of the Indian affairs commission, a designee of the chief justice, and a member
2 at large to be appointed by the governor. The governor or the governor's designee shall act as
3 chairperson.

4 **SECTION 40. REPEAL.** Sections 32-03-19 and 32-03-26 of the North Dakota Century
5 Code and section 29-01-32 of the 1995 Supplement to the North Dakota Century Code are
6 repealed.