

FIRST ENGROSSMENT
with House Amendments

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, and doing, business in the state and whose
14 members are licensed and regulated by state or federal agencies has standing to bring an
15 action for declaratory judgment to determine any question of construction or validity of any
16 statute, ordinance, resolution, rule, or regulation that threatens to injure its members.