



North Dakota Legislative Council

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LC# 23.9370.04000
March 2023

TESTIMONY - ENGROSSED HOUSE BILL NO. 1038 SENATE JUDICIARY COMMITTEE MARCH 14, 2023

This testimony is provided in favor of Engrossed House Bill No. 1038 (2023), which was introduced by the Legislative Management at the request of the 2021-22 interim Judiciary Committee. Engrossed House Bill No. 1038 is the Legislative Council's technical corrections bill, which is prepared each legislative session to make corrections to the North Dakota Century Code to address improper, inaccurate, redundant, missing, or obsolete references.

EXPLANATION OF THE BILL

Engrossed House Bill No. 1038 provides the following technical corrections:

- Section 1 of the bill corrects internal cross references in Section 12.1-31-01.2(9), relating to sexual assault restraining orders. The cross references were missed when the law was amended by House Bill No. 1238 (1993).
- Section 2 of the bill corrects internal cross references in Section 12.1-31.2-01(8) relating to disorderly conduct restraining orders. The cross references were missed when the law was amended by House Bill No.1238 (1993).
- Section 3 of the bill clarifies the use of the terms "commissioner" and "department," as used in the law relating to public access to leased and unleased trusts lands, refers to the Commissioner of University and School Lands and the Department of Trust Lands.
- Section 4 of the bill clarifies the use of the term "commissioner," as used in the law relating to vehicular access to trusts lands, refers to the Commissioner of University and School Lands.
- Section 5 of the bill corrects the reference to the University of North Dakota medical school to instead refer to the University of North Dakota School of Medicine and Health Sciences, which is the correct name of this entity. This section also corrects the caption to include the continuing appropriation language in accordance with Legislative Council form and style.
- Sections 6 and 7 of the bill correct grammatical errors. The sections clarify a reference to the plant of the genus cannabis.
- Section 8 of the bill corrects an improper reference to a defined term that no longer exists. Section 23-09-01(8) is amended to reference a facility that provides personal care services as provide under Section 23-09.3-01 or 50-32-01.
- Section 9 of the bill corrects an internal cross reference in Section 26.1-05-19(24). Between 2010 and 2017, the Code Revisor repealed subsection 6 due to reference to a repealed chapter of Century Code, necessitating this correction.
- Section 10 of the bill corrects internal cross references in Section 26.1-05-19(34). Between 2010 and 2017, the Code Revisor repealed subsection 6 due to reference to a repealed chapter of Century Code, necessitating these corrections. This section corrects cross references to subsections 19, 20, and 21. Additional formatting changes are made in accordance with Legislative Council form and style.
- Section 11 of the bill corrects an outdated cross reference to Section 26.1-05-19(21) which occurred due to renumbering of this section by the Code Revisor between 2010 and 2017.
- Section 12 of the bill creates a new subdivision to Section 27-20.2-21(1), regarding the ability to access juvenile court files and records. House Bill No. 1035 (2021) repealed Chapter 27-20 and relocated several of the repealed provisions in the newly created Chapter 27-20.2; however, House Bill No. 1047 (2021) amended the repealed Section 27-20-51(1). This section incorporates the intended amendment into the newly created Section 27-20.2-21.

- Section 13 of the bill corrects an outdated cross reference to Chapter 47-30.1, regarding unclaimed property. Senate Bill No. 2048 (2021) repealed Chapter 47-30.1 and replaced it with Chapter 47-30.2. This section updates that cross reference to refer to Chapter 47-30.2.
- Section 14 of the bill corrects a formatting error to Section 37-01-16, regarding the crime of unlawful conversion of military property and unlawful wearing of uniforms and devices indicating rank.
- Section 15 of the bill corrects a formatting error to Section 39-06-32, regarding the authority to suspend motor vehicle operator licenses, which occurred in 2013.
- Sections 16 through 18 of the bill correct cross references that are necessary due to the formatting correction under Section 15 of the bill.
- Section 19 of the bill corrects a formatting error to Section 40-34-13, regarding the use of money remaining after the payment of bonds.
- Section 20 of the bill corrects a formatting error to Section 40-35-02, regarding the definition of the term "undertaking" as it relates to revenue bonds.
- Section 21 of the bill corrects an outdated cross reference to the definition of "real estate broker". Senate Bill No. 2520 (1995) amended this section by adding new definitions to the chapter necessitating this amendment.
- Section 22 of the bill corrects an outdated reference to Section 11-33-20, which was repealed in 2015.
- Sections 23 and 24 of the bill remove obsolete language relating to city and county general fund levy authority. The language being removed was included in Senate Bill No. 2144 (2015), which eliminated and consolidated various types of levy authority, to slowly phase cities and counties down to the new levy limits. The period addressed by the phase-in language has passed, so the obsolete language has been removed.
- Section 25 of the bill corrects an outdated reference to "state engineer" in Section 61-32-03.1(6), regarding permits required to drain subsurface waters.