## Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

SENATE BILL NO. 2409 (Senators Traynor, Heitkamp)

AN ACT to amend and reenact section 32-23-11 of the North Dakota Century Code, relating to parties in a declaratory action.

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 32-23-11 of the North Dakota Century Code is amended and reenacted as follows:

**32-23-11. Parties.** When declaratory relief is sought, all persons who have or claim any interest which that would be affected by the declaration shall must be made parties, and no a declaration shall may not prejudice the rights of persons not parties to the proceeding. In any proceeding which that involves the validity of a municipal ordinance or franchise, such the municipality shall must be made a party, and shall be is entitled to be heard, and if the statute, ordinance, or franchise is alleged to be unconstitutional, the attorney general of the state also shall must be served with a copy of the proceeding and shall be is entitled to be heard. Any trade or professional association authorized to do, and doing, business in the state and whose members are licensed and regulated by state or federal agencies has standing to bring an action for declaratory judgment to determine any question of construction or validity of any statute, ordinance, resolution, rule, or regulation that threatens to injure its members.

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President of the Senate  Secretary of the Senate					Speaker of the House  Chief Clerk of the House		
Senate Vote:	Yeas	48	Nays	0	Absent	1	
House Vote:	Yeas	96	Nays	0	Absent	2	
					Secre	tary of the Sen	ate
Received by the	e Governo	r at	M.	on			, 1999.
Approved at	M	. on					, 1999.
					Gove	rnor	
Filed in this office this day of				f			, 1999,
at o'o	clock	M.					
					Secre	tary of State	