

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1043

Introduced by

Legislative Management

(Judiciary Committee)

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

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

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

12 **11-11-02. Commissioner must be resident of district - Exceptions.**

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

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

17 **11-28.3-09. Emergency medical service policy to be determined.**

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

24 1. Collected as other taxes are collected in the county.

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

7 In no case shall the amount of the tax levy exceed the amount of funds required to defray the
8 expenses of the district for a period of one year as embraced in the annual estimate of expense,
9 including the amount of principal and interest upon the indebtedness of the district for the
10 ensuing year. The district may include in its operating budget no more than ten percent of its
11 annual operating budget as a depreciation expense to be set aside in a dedicated emergency
12 medical services sinking fund deposited with the treasurer for the replacement of equipment
13 and ambulances. The ten percent emergency medical services sinking fund may be in addition
14 to the actual annual operating budget, but the total of the annual operating budget and the
15 annual ten percent emergency medical services sinking fund shall not exceed the approved mill
16 levy.

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

- 19 7. For purposes of this section:
 - 20 a. "Flag the records" means marking the division of vital records, school, day care,
 - 21 or home education records in such a manner that any personnel viewing that
 - 22 record will be automatically alerted that the child or individual has been reported
 - 23 as lost, missing, or runaway.
 - 24 b. "Home education" means a program of education supervised by a child's parent,
25 ~~in the child's home,~~ in accordance with the requirements of chapter 15.1-23.
 - 26 c. "Proof of identity" means a certified copy of a birth certificate, a certified
 - 27 transcript, or similar student records from the previous school, or any other
 - 28 documentary evidence the school, licensed day care facility, or school
 - 29 superintendent considers appropriate proof of identity.

- 1 d. "School" or "licensed day care facility" means all elementary and secondary
2 schools, licensed day care centers, licensed child care facilities, headstart
3 programs, and nursery schools whether public or nonpublic.

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

6 **15.1-20-04. Home education - Definition.**

7 For purposes of this chapter, "home education" means ~~an educational program for a child~~
8 ~~provided a program of education supervised by a child's parent in accordance with chapter~~
9 ~~15.1-23 by the child's parent in the child's home.~~

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

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

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

- 16 2. The agency shall mail or deliver a copy of the agency's full notice and proposed rule to
17 each member of the legislative assembly whose name appeared as a sponsor or
18 cosponsor of legislation enacted during the most recent session of the legislative
19 assembly which is being implemented by the proposed rule and to each person who
20 has made a timely request to the agency for a copy of the notice and proposed rule.
21 The agency may mail or otherwise provide a copy of the agency's full notice to any
22 person who is likely to be an interested person. ~~The agency shall mail or deliver a~~
23 ~~copy of the rules to each member of the legislative assembly whose name appeared~~
24 ~~as a sponsor or cosponsor of legislation enacted during the most recent session of the~~
25 ~~legislative assembly which is being implemented by the proposed rule and to any~~
26 ~~person requesting a copy.~~ The agency may charge persons who are not members of
27 the legislative assembly fees for copies of the proposed rule as allowed under section
28 44-04-18.

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

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

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

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

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

3 **43-44-08. Requirements for licensure - Licensed registered dietitian.**

4 1. Applicants for licensure as a licensed registered dietitian must:

5 a. Comply with subsection 1 of section 43-44-07.

6 b. Have satisfactorily completed the education and experience requirements for
7 dietitians approved by the commission on dietetic registration of the ~~American-~~
8 ~~dietetic association~~academy of nutrition and dietetics or its predecessor or
9 successor organization.

10 c. Have satisfactorily completed the examination approved and administered by the
11 commission on dietetic registration of the ~~American dietetic association~~academy
12 of nutrition and dietetics or its predecessor or successor organization.

13 2. Applicants for renewal of licensure as a licensed registered dietitian must:

14 a. Comply with subsection 1.

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

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

20 **43-44-09. Waiver of requirements for licensure of dietitians.**

21 Upon application, the board shall grant a license to any person certified prior to July 1,
22 1985, as a registered dietitian by the commission on dietetic registration of the ~~American dietetic-~~
23 ~~association~~academy of nutrition and dietetics or its predecessor or successor organization.

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

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

- 1 4. Any person who does not meet the requirements of subdivision a, b, or c of subsection
2 1 of section 43-44-07, and who provides nutrition care services, including weight
3 control programs, under the supervision of a licensed registered dietitian, a dietitian
4 licensed in another state that has licensure requirements considered by the board to
5 be at least as stringent as the requirements for licensure under this chapter, or a
6 dietitian registered by the commission on dietetic registration of the ~~American dietetic~~
7 ~~association~~academy of nutrition and dietetics or its predecessor or successor
8 organization.

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

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

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

1 5. For purposes of this section, "taxable valuation" means the valuation to which the mill
2 rate is applied to determine the amount of ad valorem taxes or payments in lieu of
3 taxes, and includes taxable valuation determined for agricultural, residential, and
4 commercial property; railroad property assessed by the state board of equalization
5 under chapter 57-05; gas company property, pipeline property, and power company
6 property, ~~and railroad property~~ assessed by the state board of equalization under
7 chapter 57-06; mobile homes under chapter 57-55; land controlled by the game and
8 fish department subject to valuation under chapter 57-02.1; land owned by the board
9 of university and school lands or the state treasurer subject to valuation under chapter
10 57-02.3; national guard land subject to valuation under chapter 37-07.3; farmland or
11 ranchland owned by nonprofit organizations for conservation purposes subject to
12 valuation under section 10-06.1-10; land acquired by the state water commission for
13 the Devils Lake project subject to valuation under chapter 61-02; a workforce safety
14 and insurance building and associated real property subject to valuation under section
15 65-02-32; and carbon dioxide pipeline property subject to valuation under section
16 57-06-17.2. For purposes of this section, "taxable valuation" includes the taxable
17 valuation of the homestead credit reimbursed by the state under section 57-02-08.2
18 and the disabled veterans' credit reimbursed by the state under section 57-02-08.8.

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

21 **64-02-09. Standards of weights and measures.**

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

- 24 1. One surveyor's chain, ~~thirty-three standards~~ sixty-six United States survey feet
25 ~~[10.06 meters]~~ in length.
- 26 2. One yard ~~[-9144 meter in meters, equal to 36 divided by 39.37]~~ measure.
- 27 3. One United States survey foot [-3048 meter in meters, equal to 12 divided by 39.37]
28 measure and one international foot [exactly .3048 meters] measure.
- 29 4. One inch [25.40 millimeters] measure.
- 30 5. One one hundred pound [45.36 kilograms] weight.
- 31 6. One fifty pound [22.68 kilograms] weight.

- 1 7. One twenty-five pound [11.34 kilograms] weight.
- 2 8. One ten pound [4.54 kilograms] weight.
- 3 9. One one pound [.4536 kilogram] weight.
- 4 10. One half-pound [.2268 kilogram] weight.
- 5 11. One quarter-pound [.1134 kilogram] weight.
- 6 12. One one-eighth of a pound [.0567 kilogram] weight.
- 7 13. One one-sixteenth of a pound [.0284 kilogram] weight or one ounce [28.35 grams]
- 8 weight.
- 9 14. One set of apothecaries' weights from one pound [.4536 kilogram] to one grain [64.80
- 10 milligrams] and one set of troy weights from one pound [.3732 kilogram] to one grain
- 11 [64.80 milligrams].
- 12 15. Other weighing and measuring devices necessary to test and calibrate standards.

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

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

- 17 1. The organization shall pay an injured employee's attorney for the fees and costs to
18 consult with the injured employee regarding a request for rehearing of an
19 administrative order issued by the organization under section 65-01-16 and chapter
20 28-32. The attorney's fees and costs under this section are for the purpose of an initial
21 consultation and review of the claimant's case and are separate from and independent
22 of the attorney's fees and costs provided for under section 65-02-08. To be eligible for
23 payment of attorney's fees and costs under this section, before consulting the attorney
24 the injured employee must first receive a certificate of completion from the decision
25 review office ~~of independent review~~, and the attorney consultation must take place
26 after the certificate of completion is issued but before the rehearing is conducted.

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