

GENERAL PROVISIONS

CHAPTER 72

S. B. No. 72
(Longmire)

STATUTORY CONSTRUCTION

AN ACT

To create and enact section 1-01-35.1 of the North Dakota Century Code, relating to the tense of words, to create and enact subsections 13, 14, and 15 of section 1-01-49 of the North Dakota Century Code, relating to the definitions of "executor and administrator", "preceding and following", and "rules and regulations", to create section 1-02-09.1 of the North Dakota Century Code, relating to multiple amendments to the same provision, and providing for aids in statutory construction, and to amend and reenact sections 1-01-33, 1-01-34, and 1-02-15 of the North Dakota Century Code, relating to the definition of "year", "month", and "masculine", and to the computation of time.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 1-01-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1-01-33. Year—Month—Week—Definition—Fraction of Day Disregarded.) The word "week" shall mean seven consecutive days and the word "month" a calendar month. The word "year" shall mean twelve consecutive months. Fractions of a year are to be computed by the number of months, thus, half a year is six months. Fractions of a day are to be disregarded in computations which include more than one day and involve no questions of priority.

§ 2. **Amendment.)** Section 1-01-34 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1-01-34. Gender—Definition.) Words of one gender include the other genders.

§ 3.) Section 1-01-35.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

1-01-35.1. Tense.) Words in the present tense include the future.

§ 4.) Subsections 13, 14, and 15 of section 1-01-49 of the North Dakota Century Code are hereby created and enacted to read as follows:

13. "Executor and administrator". "Executor" includes administrator and "administrator" includes executor.
14. "Preceding and following". "Preceding" and "following" when used by way of reference to a chapter or other part of a statute means the next preceding or next following chapter or other part.
15. "Rules and regulations." "Rule" includes regulation.

§ 5.) Section 1-02-09.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

1-02-09.1. Multiple Amendments to the Same Provision, One Without Reference to the Other.) If amendments to the same statute are enacted at the same or different sessions of the legislature, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are irreconcilable, the latest in date of enactment prevails.

§ 6. **Amendment.)** Section 1-02-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1-02-15. Computation of Time.) The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last is a holiday, and then it also is excluded. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

§ 7. **Intentions in the Enactment of Statutes.)** In enacting a statute, it is presumed that:

1. Compliance with the Constitutions of the state and of the United States is intended.
2. The entire statute is intended to be effective.
3. A just and reasonable result is intended.
4. A result feasible of execution is intended.
5. Public interest is favored over any private interest.

§ 8. Aids in Construction of Ambiguous Statutes.) If a statute is ambiguous, the court, in determining the intention of the legislation, may consider among other matters:

1. The object sought to be attained.
2. The circumstances under which the statute was enacted.
3. The legislative history.
4. The common law or former statutory provisions, including laws upon the same or similar subjects.
5. The consequences of a particular construction.
6. The administrative construction of the statute.
7. The preamble.

§ 9. Statutory References.) A reference to any portion of a statute applies to all reenactments, revisions, or amendments thereof.

§ 10. References To a Series.) If a statute refers to a series of numbers or letters, the first and the last numbers or letters are included.

Approved February 22, 1967.