

Section by Section Breakdown of SB 2308 (.03000 Senate engrossed version) as of March 12, 2025, including proposed amendments prepared for Senator Roers (.03002 version) (in green).

Prepared for members of the North Dakota House Government & Veterans Affairs committee by Reed Johnson & Chris Joseph, North Dakota Office of the Governor

Section 1. Removes references to the health information technology advisory committee, as that committee is being repealed in section 38 of the bill.

Section 2. Removes the individual representing the statewide longitudinal data system committee (*repealed*) from the kindergarten through grade twelve education coordination council.

Section 3. Transfers the ability to exempt a school district from having to implement and utilize the state student information system from the statewide longitudinal data system committee (*repealed*) to the superintendent of public instruction, because the duties of SLDS are moving to SPI.

Section 4. Changes the responsibility to establish the statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies from the onsite wastewater recycling technical committee (*repealed*) to the Department of Environmental Quality (DEQ).

Section 5. Establishes standards for well drilling and installation of water well pumps, pitless units, and monitoring wells. These groups must comply with rules adopted by DEQ.

Section 6. Moves the duties of the North Dakota early childhood services advisory board under DHHS, moves the Early Childhood Education program to be administered by DHHS, and moves the duties of the Brain injury advisory council under DHHS.

Sections 7-9. Technical corrections. Section 7 removes the word “such” since it is a stylistic change for powers and duties of Job Service ND. Section 8 removes the words “with the advice and aid of its advisory councils” because the advisory councils in Job Service ND are moving elsewhere in statute. Section 9 enumerates several boards that are deemed to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor (this is already in statute and the amendment does not affect this). What section 9 does, however, is remove the committee on aging and the commission on the status of women from those automatic resignation boards above.

Section 10. Creates the Boards Review Task Force underneath the office of the governor. The task force shall: review and assess all boards, **commissions, committees, councils, and task forces** for inefficiencies and duplication of responsibilities, issue performance evaluations, and make recommendations to the legislative assembly regarding streamlining government operations. It also includes the governor or governor’s designee, a member of the senate, a member of the house, a representative of an organization representing cities, a representative of an organization

representing counties, a representative of the business community (appointed by the governor), and a member of an occupational licensing board, appointed by the governor, and a member at large, appointed by the governor.

There is also a suggested amendment that was brought to our attention from the Pharmacy Board within section 10 on the engrossed version of the bill (.03000). **On p.8, line 27, “issue performance evaluations” must be removed.** The Attorney General’s office brought an amendment on the senate side of the bill that removed this language, but the engrossed version of the bill kept this language intact. **The governor’s office asks that this language be removed.**

Additionally, subsection 2, subdivision f (p.9, line 11) refers to a member of an occupational licensing board, appointed by the governor. The governor’s office would like the word member changed to “representative”, but that is a policy decision we leave to the committee.

Section 11. Moves the duties of the Poet Laureate Nominating Board (*repealed*) under the Council of the Arts.

Section 12. Cleans up language in the health information technology office, because the health information technology advisory committee is being repealed.

Section 13. Removes references to the health information technology advisory committee (see section 14).

Sections 14-16. Moves the duties of the statewide longitudinal data system (SLDS) to the Information Technology Department (ITD), requires ITD to provide a report to legislative management, and allows NDIT to receive continuing appropriation. The latest amendment adds language stating ITD may, subject to federal and state privacy laws, enter interagency agreements regarding the use of SLDS data (section 14, subsection 2). The latest amendment also adds information stating the department may authorize studies to benefit and improve workforce training and education (section 14, subsection 6).

Section 17. Allows NDIT to request data from state agencies to comply with federal or state law and requires state agencies providing information with NDIT to identify and apply the relevant state and federal privacy laws and agency restrictions regarding uses of confidential information. The latest amendment adds a requirement for a state agency providing information to enter an interagency agreement with ITD. The interagency agreement must identify applicable state and federal privacy laws.

Section 18. Moves the duties of the North Dakota board of water well contractors and Devils Lake outlets management advisory committee to the State Engineer. The latest amendment changes “regulate” to “license” for water well contractors, water well and pitless unit installers, monitoring well contractors, and geothermal system drillers. The latest amendment also asks for a recommendation of an operational plan for the Devil’s Lake outlet.

Section 19. States that a certified water well contractor must oversee any person, partnership, association, corporation, or LLC for the business of constructing a water well in North Dakota. It applies as well for monitoring wells and drilling geothermal systems. **New proposed amendment by senator Roers: Subsection 5 states within 30 days after the completion of each well, each water well contractor shall report to the department, on forms provided by the department, any information required by the department, including enumerated reasons such as well depth, casing size and weight.**

Sections 20 and 21. Defines the powers and duties of the Department of Water Resources regarding licensure, permitting, contracting, weather modification, and other definitions that will apply throughout the following sections. It also will apply the admin rules committee oversight to DWR (chapter 28-32).

Section 22. Changes the North Dakota Atmospheric Resource board to the Department of Water Resources for the purpose of establishing a program of weather modification research and development in the state for hail.

Section 23. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to provide for exemptions of certain activities from the license and permit requirements.

Section 24. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to provide for a procedure and criteria for issuance of a license.

Section 25. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to suspend or revoke a license for enumerated reasons such as incompetency, dishonest practice, false or fraudulent representations, or failures to comply with provisions of this chapter.

Section 26. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to issue weather modification permits.

Section 27. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to give notice in the official county newspaper in the area expected to be affected by operations conducted under a permit.

Section 28. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to suspend or revoke a permit if it appears a permittee is no longer qualified.

Section 29. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to be shown proof of financial responsibility.

Sections 30-36. Changes statutory duties and responsibilities from the North Dakota Atmospheric Resource Board (repealed) to the Department of Water Resources. Every change in these sections is updating references to "the board" or "North Dakota Atmospheric Resource Board" to "department" or "department of water resources", respectively.

In the engrossed version, Sections 35 and 36 update the language to change the destination of federal grants, federal appropriations, private gifts, donations, or county funds from the state weather modification fund to the water commission fund. This process is governed under NDCC 61-04.1-38—39.

Section 37. This section changes the process for a departing member of the Workforce Safety and Insurance Board of directors (NDCC 65-02-03.1 (2) (a)). Per the senate engrossed version, the governor shall appoint the replacement member for a departing employment representative from a list of three potential candidates submitted by an organization of business associations. The organization shall accept qualified candidate recommendations from: representatives from the associated general contractors of North Dakota, the North Dakota Petroleum Council, the greater North Dakota Chamber of Commerce, the North Dakota motor carrier's association, the North Dakota the North Dakota motor carrier's association, the North Dakota hospital association, the national federation of independent business, the lignite energy council, and other statewide business interests.

Section 38. Repeals.

- Chapter 8-11.1 (**Midwest interstate passenger rail compact**)
- Section 12-48-06.1 (**Prison industry advisory committee**)
- Sections 15.1-37-05, 15.1-37-06, and 15.1-37-08 (**Early Childhood Education Program**)
- Chapter 17-07 (**Energy policy commission**)
- Section 19-24.1-38 – 19.24.1-39 (**Medical Marijuana Advisory Committee**)
- Section 23-35-02.3 (**Onsite wastewater recycling technical committee**)
- Chapter 34-16 (**Duties of labor commissioner**)
- Chapter 43-35 (**North Dakota board of water well contractors**)
- Section 50-06-05.6 (**Committee on aging**)
- Section 50-06.4-10 (**Brain injury advisory council**)
- Sections 50-11.1-25, 50-11.1-26, and 50-11.1-27 (**North Dakota early childhood council**)
- Section 52-02-07 (**State unemployment insurance advisory council**)
- Section 54-34.3-10 (**Commission on the status of women**)
- Section 54-54-10 (**Poet Laureate Nominating Board**)
- Section 54-59-25 (**Health information technology advisory committee**)
- Sections 54-59-33, 54-59-35, and 54-59-38 (**Statewide longitudinal data system committee**)
- Section 54-60-25 (**North Dakota rural development council**)
- Sections 61-04.1-04, 61-04.1-05, 61-04.1-06, 61-04.1-07, and 61-04.1-10 (**North Dakota atmospheric resource board**)
- Chapter 61-36 (**Devils Lake outlets management advisory committee**)

Section 39. Repeal.

- Repeals sections 55-01-13 and 55-01-14 (America 250 commission)

Section 40. Effective Date.

- Makes Section 39 (the repeal of the America 250 commission) effective on December 31, 2026. This was a clerical error in the engrossed version of the bill, and the proposed amendment corrects this.

Section 41. Expiration Date.

- Repeals the Boards review task force (Section 10 of the bill) effectively on December 2, 2026. This was a clerical error in the engrossed version of the bill, and the proposed amendment corrects this.