

AERONAUTICS

CHAPTER 48

SENATE BILL NO. 2253
(Longmire, Lips, Reiten, Butler)

REGIONAL AIRPORT AUTHORITIES

AN ACT to amend and reenact subsection 1 of section 2-06-03 of the North Dakota Century Code, relating to the creation of a regional airport authority.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 2-06-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Two or more municipalities, whether in this state or in an adjoining state, provided that at least one municipality is in North Dakota, may by joint resolution, create a public body, corporate and politic, to be known as a regional airport authority which shall be authorized to exercise its functions upon the issuance by the secretary of state of a certificate of incorporation. The governing bodies of the municipalities participating in the creation of a regional airport authority shall, pursuant to such joint resolution appoint not less than five persons as commissioners of the regional airport authority; the number to be appointed and their representation shall be provided for in the joint resolution. The term of office of each regional airport authority commissioner shall be in accordance with subsection 5 of this section. Each such regional airport authority, once created, shall organize, elect officers for terms of office to be fixed by agreement and adopt and amend from time to time rules for its own procedure not inconsistent with section 2-06-06.

Approved March 21, 1973

CHAPTER 49

SENATE BILL NO. 2278

(Roan, Jacobson, Anderson, Nasset, Christensen)

WEATHER MODIFICATION

AN ACT to create and enact section 2-07-06.4, 2-07-06.5, 2-07-06.6, and 2-07-06.7, and to amend and reenact section 2-07-06, subsections 2 and 3 of section 2-07-06.1, and sections 2-07-06.2, 2-07-06.3, 2-07-08, 2-07-09, and 2-07-10 of the North Dakota Century Code, relating to the creation of a weather modification authority, continuation of an authority, contents of the petition, powers of the authority, liability for activities, and providing procedures for abolishment.

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

SECTION 1. AMENDMENT.) Section 2-07-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-06. WEATHER MODIFICATION AUTHORITY CREATED BY PETITION.) A weather modification authority shall be created by resolution and five commissioners appointed thereto for ten-year terms of office, by the board of county commissioners after fifty-one percent of the qualified electors of a county, as determined by the vote cast for the office of governor at the last preceding general election, shall petition the board of county commissioners of their county to create a countywide weather modification authority. The board of county commissioners shall appoint the five commissioners to the weather modification authority, who are residents of their county, and whose names are set forth in the petition and designated by the petitioners to be appointed weather modification authority commissioners, provided that said petition has been found by the county commissioners to have met the requirements as to number of qualified electors attached to the petition as required in this chapter. In the event any one of the five candidates named in the petition to be appointed weather modification authority commissioner is unable or refuses for any reason to accept appointment as commissioner, or is disqualified by not meeting residence requirements, as an elector in the county, the board of county commissioners shall name its own appointee for a ten-year term of office in place of any disqualified candidate selected by the petitioners. If any weather modification authority commissioner submits his resignation in writing to the board of county commissioners or becomes unable or disqualified for any reason, after accepting office, the board of county commissioners

shall name its appointee as a commissioner to the weather modification authority. All vacancies occurring otherwise than by expiration of term of office shall be filled for the unexpired term.

Any weather modification authority created pursuant to this section shall expire ten years after the date of the initial appointment of the commissioners thereto. Any unexpended funds remaining in the name of the weather modification authority, after all proper bills and expenses have been paid, shall be transferred into the county general fund by the officers of the weather modification authority on or before the ten-year termination date provided by this section; provided, however, that all unexpended funds remaining in the name of the weather modification authority, after all proper bills and expenses have been paid, shall remain in the name of the weather modification authority if the board of county commissioners of such county by resolution creates a weather modification authority and all its powers in accordance with section 2-07-06.4.

Nothing in this section shall prevent continuation or reinstatement of a weather modification authority, provided the authority is renewed for another ten years by petition of the qualified electors in the same manner as the initial weather modification authority was created by petition of qualified electors as provided for in this chapter.

In the event more than one petition is filed with the board of county commissioners on or about the same time, the petition with the highest percentage of the qualified electors of a county, contained in such petition, of the vote cast for the office of governor at the last preceding general election shall be selected by the board of county commissioners, provided the petition with the highest percentage has at least forty percent of the qualified electors in the county and the sum total of all qualified electors on all petitions filed equals at least sixty percent of the qualified electors in said county. In no case shall the name of the same elector appear on two or more petitions.

SECTION 2. AMENDMENT.) Subsections 2 and 3 of section 2-07-06.1 of the 1971 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. The following paragraph: We, the undersigned qualified electors of (name of county), state of North Dakota, by this initiated petition request that the (name of county) board of county commissioners of said county create by resolution a (name of county) weather modification authority and to appoint for a term of office of ten years the following five qualified electors of said county as the commissioners for the (name of county) weather modification authority:
 - a. The name and address of each proposed commissioner for the (name of county) weather modification authority;
3. The following paragraph: We, the undersigned qualified

electors of the (name of county), state of North Dakota, are noticed herewith that the creation of (name of county) weather modification authority and the appointment of its commissioners by the (name of county) board of county commissioners will grant unto the authority by law the power to certify to the board of county commissioners a mill levy tax not to exceed two mills upon the net taxable valuation of property in said county for a weather modification fund, which tax may be levied in excess of the mill levy limit fixed by law for taxes for general county purposes and that such fund shall be used for weather modification activities within the county, including research and investigation, or in conjunction with any other county or counties, and with federal, state, or other public agencies, or any private person, organization or corporation. We, the undersigned understand that the authority requested in this petition expires ten years after the creation of the weather modification authority, except that the board of county commissioners may by resolution create a weather modification authority and all its powers, including the power to certify a tax levy as provided by section 2-07-06.3, for five year periods in accordance with section 2-07-06.4;

SECTION 3. AMENDMENT.) Section 2-07-06.2 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-06.2. COMMISSIONERS - COMPENSATION - MEETINGS - OFFICERS.) A commissioner of a weather modification authority shall receive no compensation for his services, but shall be entitled to the necessary expense, as defined in section 44-08-04, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. The certificates of the appointment shall be filed with the weather modification authority.

The powers of each weather modification authority shall be vested in the commissioners thereof. A majority of the commissioners of an authority shall constitute a quorum for the purpose of conducting business of the authority and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of not less than a majority of all the commissioners.

There shall be elected a chairman, vice chairman, and treasurer from among the commissioners. A weather modification authority may employ an executive director, secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the county which created the authority. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Minutes shall be kept by the secretary of official meetings and shall include all official business such as contracts authorized and all authorizations for payment of weather modification authority funds to persons, organizations, companies, and corporations. All disbursements shall be approved by a majority of all the commissioners of an authority. Disbursements authorized by the authority for the payment of employee salaries, bills, contracts, services, fees, expenses, and all other obligations, shall be made by check signed by the chairman and the treasurer of the authority. Official policies shall also be entered into the minutes. An annual report shall be compiled with complete disclosure of funds expended for contracts, services, fees, salaries and all other reimbursements, a copy of which shall be filed with the county auditor. Such report shall be given at a public meeting called for such purpose.

SECTION 4. AMENDMENT.) Section 2-07-06.3 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-06.3. TAX LEVY MAY BE CERTIFIED BY WEATHER MODIFICATION AUTHORITY.) The weather modification authority may certify annually to the board of county commissioners a tax of not to exceed two mills upon the net taxable valuation of the property in the county for a "weather modification" fund which tax shall be levied by the board of county commissioners and which tax may be levied in excess of the mill limit fixed by law for taxes for general county purposes. Such fund shall be used only for weather modification activities within the county, including research and investigation, or in conjunction with any other county or counties, counties and states adjoining North Dakota, and with federal, state, or other public agencies, or any private person, organization, or corporation. The tax certified by the weather modification authority is limited to the period of existence of the weather modification authority as provided for in this chapter.

SECTION 5.) Section 2-07-06.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-06.4. CREATION OF WEATHER MODIFICATION AUTHORITY AND ITS POWERS BY RESOLUTION.) When a weather modification authority is about to expire, the board of county commissioners of any such county may by resolution authorize the creation of such weather modification authority and all its powers, including the power to certify a tax levy as provided by section 2-07-06.3 for additional five-year periods provided, the resolution authorizing the creation of such weather modification authority is adopted by the board of county commissioners before the expiration date prescribed in the preceding resolution for its termination. Upon passing such resolution for the creation of the authority, the board of county commissioners shall appoint five weather modification authority commissioners to five-year terms of office, subsequently filling vacancies in the manner prescribed by section 2-07-06. The board of county commissioners may remove from office any weather modification commissioner, whenever it appears to them by competent evidence and after a hearing that such commissioner has been guilty of misconduct, malfeasance, crime in office, neglect of duty in office, or of habitual drunkenness or gross incompetency.

SECTION 6.) Section 2-07-06.5 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-06.5. PROCEDURE FOR ABOLISHMENT OF WEATHER MODIFICATION AUTHORITY AND ALL ITS POWERS BY RECALL INITIATED PETITION.) After fifty-one percent of the qualified electors of a county, as determined by the vote cast for the office of governor at the last preceding gubernatorial election, shall petition the board of county commissioners of their county to recall the commissioners of a weather modification authority as created by section 2-07-06 and to abolish such county weather modification authority, the board of county commissioners shall adopt a resolution recalling all commissioners of such weather modification authority and abolish their appointed office and abolish such weather modification authority until such time as a weather modification authority is created by petition in accordance with section 2-07-06, provided that such recall petition has been found by the county commissioners to have met the requirements as to the number of qualified electors attached to the petition as required in this chapter. In the event the board of county commissioners certifies the sufficiency and validity of the recall petition and adopts a resolution recalling all commissioners of a weather modification authority and abolishes such authority, then all unexpended funds remaining in the name of the weather modification authority, after all proper bills and expenses have been paid, shall be transferred into the county general fund by the officers of the weather modification authority on the effective date of such recall and abolishment resolution adopted by the board of county commissioners. In the event there are outstanding valid bills unpaid after such date, the board of county commissioners are hereby authorized to pay such proper obligations from monies in the county general fund. A recall initiated petition shall have a title with the heading: "Recall Petition for the Abolishment of (insert name of county) Weather Modification Authority". Such recall petition shall incorporate a paragraph stating its purpose in clear language and shall comply with all requirements prescribed in subsections 4, 5, and 6 of section 2-07-06.1 relating to petition contents, committee for petitioners, petition details, affidavits and persons circulating such petitions.

SECTION 7.) Section 2-07-06.6 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-06.6. CREATION OF WEATHER MODIFICATION AUTHORITY BY ELECTION.) When a petition signed by not less than twenty percent of the qualified electors of the county, as determined by the vote cast for the office of governor at the last preceding gubernatorial election, requesting an election upon the establishment of a weather modification authority is presented to the board of county commissioners, the board of county commissioners shall submit the question to the electors of the county at the next countywide election. Upon approval by a majority of the votes cast, the board of county commissioners shall establish a weather modification authority as described in section 2-07-06, with all its powers, including the power to certify a tax levy as provided by section 2-07-06.3.

SECTION 8.) Section 2-07-06.7 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-06.7. ABOLISHMENT OF WEATHER MODIFICATION AUTHORITY BY ELECTION.) When a petition signed by not less than twenty percent of the qualified electors of the county, as determined by the vote cast for governor in the last preceding gubernatorial election, requesting an election upon the abolishment of a weather modification authority as created in section 2-07-06.4 and section 2-07-06.6 is presented to the board of county commissioners, the board of county commissioners shall submit the question to the electors of the county at the next countywide election. Upon approval by a majority of the votes cast, the board of county commissioners shall abolish the weather modification authority as of December thirty-first following the election. All unexpended funds remaining in the name of the weather modification authority, after all proper bills and expenses have been paid, shall be deposited in the general fund of the county.

SECTION 9. AMENDMENT.) Section 2-07-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-08. BIDS REQUIRED - WHEN.) Whenever any weather modification authority shall undertake to contract with any licensed controller in an amount in excess of ten thousand dollars in any one year, the weather modification authority shall advertise for proposals for such weather modification activities and in its proceedings with respect to bids therefor, shall substantially follow the manner and form required by the laws of this state for the purchase of supplies by counties. The weather modification authority shall enter into no contract or agreement for weather modification services except with a licensed controller as required in this chapter, except for the purpose of gathering technical information, making studies or surveys, the weather modification authority may enter into a contract or agreement with any state agency or with any state chartered university, college, or institution of higher learning, or with federal agencies not so licensed.

SECTION 10. AMENDMENT.) Section 2-07-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-09. PERFORMANCE BOND REQUIRED.) Before any weather modification authority shall contract with any licensed controller, it shall require the controller to furnish a surety bond for the faithful performance of the contract in such amount as determined by the weather modification authority, conditioned that the licensee and his agents will in all respects faithfully perform all weather modification contracts undertaken with such weather modification authority and will comply with all provisions of this chapter and the contract entered into by such weather modification authority and the licensee.

SECTION 11. AMENDMENT.) Section 2-07-10 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-10. LIABILITY.) Nothing in this chapter shall be construed to impose or accept any liability or responsibility on the part of the state of North Dakota or any of its agencies, or any state officials or state employees or county commissioners or county employees or weather modification authorities, for any weather modification activities of any person or licensed controller as defined in this chapter.

Approved March 27, 1973