

# AERONAUTICS

## CHAPTER 50

HOUSE BILL NO. 1060  
(Atkinson, Langley)  
(From Legislative Council Study)

## WEATHER MODIFICATION

AN ACT to create and enact section 2-07-01.1, subsections 8 and 9 of section 2-07-02, sections 2-07-02.1, 2-07-02.2, 2-07-02.3, 2-07-02.4, 2-07-02.5, 2-07-03.1, 2-07-03.2, 2-07-03.3, 2-07-03.4, 2-07-04.1, 2-07-04.2, 2-07-04.3, 2-07-05.1, 2-07-05.2, 2-07-06.8, 2-07-09.1, 2-07-10.1, and 2-07-11.1, of the North Dakota Century Code, relating to a state policy on weather modification; definitions; a state weather modification board; issuance, revocation, suspension, and modification of licenses and permits required for weather modification operations; operating districts and committees; creation of weather modification authorities; liability of controllers; state matching funds; to amend and reenact section 2-07-01, subsection 7 of section 2-07-02, sections 2-07-03, 2-07-04, 2-07-05, subsection 3 of section 2-07-06.1, sections 2-07-06.3, 2-07-08, 2-07-09, 2-07-10, 2-07-11, and 2-07-13 of the North Dakota Century Code, relating to definitions; licenses for weather modification operations; duties of the state aeronautics commission; the creation of county weather modification authorities; financing of county and state weather modification operations; to provide for an appropriation; to provide a penalty; and to provide an effective date.

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

SECTION 1. AMENDMENT.) Section 2-07-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-01. OWNERSHIP OF WATER.) In order that the state may share to the fullest extent in the benefits already gained through fundamental research and investigation on new and improved means for predicting, influencing, and controlling the weather, for the best interest, general welfare, health, and safety of all the people of the state, and to provide proper safeguards in applying the measures for use in connection therewith in order to protect life and property, it is deemed necessary and hereby declared that the state of North Dakota claims its sovereign right to use the

moisture contained in the clouds and atmosphere within the sovereign state boundaries. All water derived as a result of weather modification operations shall be considered a part of North Dakota's basic water supply and all statutes, rules, and regulations applying to natural precipitation shall also apply to precipitation resulting from cloud seeding.

SECTION 2.) Section 2-07-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-01.1. DECLARATION OF POLICY AND PURPOSE.) The legislative assembly finds that weather modification affects the public health, safety, and welfare, and that, properly conducted, weather modification operations can improve water quality and quantity, reduce losses from weather hazards, and provide economic benefits for the people of the state. Therefore, in the public interest, weather modification shall be subject to regulation and control, and research and development shall be encouraged. In order to minimize possible adverse effects, weather modification operations shall be carried on with proper safeguards, and accurate information shall be recorded concerning such operations and the benefits obtained therefrom by the people of the state.

SECTION 3. AMENDMENT. Subsection 7 of section 2-07-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. "Board" means the North Dakota weather modification board which, in the exercise of the powers granted herein, shall have all of the powers of an administrative agency as defined in chapter 28-32.

SECTION 4.) Subsections 8 and 9 of section 2-07-02 of the North Dakota Century Code are hereby created and enacted to read as follows:

8. "Research and development" means exploration, field experimentation, and extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production of models, devices, equipment, materials, and processes.
9. "Operation" means the performance of any weather modification activity undertaken for the purpose of producing or attempting to produce any form of modifying effect upon the weather within a limited geographical area or within a limited period of time.

SECTION 5.) Section 2-07-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-02.1. NORTH DAKOTA WEATHER MODIFICATION BOARD - CREATED - MEMBERSHIP.) There is hereby created a North Dakota weather modification board which shall be a division of the state aeronautics commission. The board shall be composed of the

director of the state aeronautics commission, a representative of the environmental section of the state department of health, state engineer of the state water conservation commission, and seven additional board members: one member from each of seven districts established by section 2-07-02.2. The governor shall appoint one board member for each of the seven districts from a list of three candidates given to him by weather modification authorities in each such district:

1. When the entire board is to be initially appointed, provided that such appointments shall be made within thirty days, after the effective date of this Act.
2. When the term of office of any board member from any district is about to expire.
3. When a vacancy has occurred, or is about to occur, in the term of office of a board member from any district for any reason other than expiration of term of office.

Board members from each district shall serve for a four-year term of office except in the event the governor shall appoint a member for an unexpired term, in which case the member shall serve only for the unexpired term. In the event any district fails to furnish a list to the governor, or if there are no weather modification authorities under this chapter within a district, then the governor shall appoint a board member of his choice residing within such district.

SECTION 6.) Section 2-07-02.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-02.2. WEATHER MODIFICATION BOARD - DISTRICTS CREATED.) Members of the weather modification board shall be appointed from districts containing the following counties: District I - Burke, Divide, McKenzie, Mountrail, and Williams; District II - Bottineau, McHenry, McLean, Renville, Sheridan, and Ward; District III - Benson, Cavalier, Eddy, Foster, Griggs, Nelson, Pierce, Ramsey, Rolette, Steele, Towner, and Wells; District IV - Cass, Grand Forks, Pembina, Richland, Traill, and Walsh; District V - Barnes, Dickey, Kidder, LaMoure, Logan, McIntosh, Ransom, Sargent, and Stutsman; District VI - Burleigh, Emmons, Grant, Mercer, Morton, Oliver, and Sioux; District VII - Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger, Slope, and Stark.

SECTION 7.) Section 2-07-02.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-02.3. DIRECTION AND SUPERVISION BY AERONAUTICS COMMISSION - INDEPENDENT FUNCTIONS RETAINED BY BOARD.) The powers, functions, and duties of the North Dakota weather modification board shall be administered under the direction and supervision of the North Dakota aeronautics commission, but the board shall retain the quasi-judicial, quasi-legislative, advisory, and other nonadministrative and budgetary functions otherwise vested in it.

SECTION 8.) Section 2-07-02.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-02.4. WEATHER MODIFICATION BOARD - OFFICERS - COMPENSATION.) All members of the weather modification board, with the exception of the chairman, shall be voting members. The board shall elect annually from its membership a chairman, vice chairman, and secretary. A majority of the members shall constitute a quorum for the purpose of conducting the business of the board. Board members who are not full-time salaried employees of this state shall receive compensation in the amount provided in subsection 1 of section 54-35-10, and shall be reimbursed for their mileage and expenses in the amounts provided by sections 44-08-04 and 54-06-09. All other members of the board shall be reimbursed for necessary travel and other expenses incurred in the performance of the business of the board in the amounts provided in sections 44-08-04 and 54-06-09.

SECTION 9.) Section 2-07-02.5 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-02.5. POWERS AND DUTIES OF WEATHER MODIFICATION BOARD.) The board may exercise the following powers and shall have the following duties:

1. The board shall appoint an executive director to serve at its discretion, and perform such duties as assigned by the board.
2. The board shall authorize the employment of whatever staff it deems necessary to carry out the provisions of this chapter. The executive director shall hire the staff, subject to the approval of the board.
3. The board shall make reasonable rules and regulations concerning: qualifications, procedures and conditions for issuance, revocation, suspension, and modification of licenses and permits; standards and instructions governing weather modification operations, including monitoring and evaluation; recordkeeping and reporting, and the board shall establish procedures and forms for such recordkeeping and reporting. The board may adopt all other reasonable rules and regulations necessary to the administration of this chapter. The provisions of chapter 28-32 shall apply to this chapter.
4. The board may contract with any person, association, partnership, or corporation, with the federal government, and with any county or groups of counties, as provided in section 2-07-05, to carry out weather modification operations and shall, in connection with regulated weather modification operations, carry on monitoring and evaluation activities.

5. The board may order any person who is conducting weather modification operations in violation of this chapter, or any rules and regulations promulgated pursuant to it, to cease and desist from such operations and such order shall be enforceable in any court of competent jurisdiction within this state.
6. The board may cooperate and contract with any private person or any local, state, or national commission, organization, or agency engaged in activities similar to the word of the board and may make contracts and agreements to carry out programs consistent with the purpose and intent of this chapter. The board may also, in accordance with law, request and accept any grants of funds or services from any such commission, organization, person, or agency, and expend such funds or use such services to carry out the provisions of this chapter.
7. The board shall administer and enforce the provisions of this chapter and do all things reasonably necessary to effectuate the purposes of this chapter.

SECTION 10. AMENDMENT.) Section 2-07-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-03. LICENSE AND PERMIT REQUIRED.) Except as provided in section 2-07-03.1, no person may engage in weather modification activities without both a professional weather modification license issued under section 2-07-03.2 and a weather modification permit issued under section 2-07-04. Licenses shall expire on December thirty-first of the year of issuance.

SECTION 11.) Section 2-07-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-03.1. EXEMPTIONS.) The board may provide by rules and regulations for exemption of the following activities from the permit and license requirements of section 2-07-03:

1. Research and development conducted by the state, political subdivisions of the state, colleges and universities of the state, agencies of the federal government, or bona fide research corporations.
2. Weather modification operations of an emergency nature taken against fire, frost, or fog.

Exempted activities shall be so conducted so as not to unduly interfere with weather modification operations conducted under a permit issued in accordance with this chapter.

SECTION 12.) Section 2-07-03.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-03.2. OPERATOR DEEMED TO BE DOING BUSINESS WITHIN STATE RESIDENT AGENT.) A person shall be deemed doing business within this state when engaged in weather modification operations within the boundaries of this state, and shall, if not already qualified to do business within this state under chapter 10-22, prior to conducting such operations, file with the secretary of state an authorization designating an agent for the service of process.

SECTION 13.) Section 2-07-03.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-03.3. ISSUANCE OF LICENSE - FEE.) The board shall provide, by rules and regulations, the procedure and criteria for the issuance of a license. The board, in accordance with its rules and regulations, shall issue a weather modification license to each applicant who:

1. Pays a license fee of fifty dollars.
2. Demonstrates, to the satisfaction of the board, competence to engage in weather modification operations.
3. Designates an agent for the purpose of service of process pursuant to section 2-07-03.2 or chapter 10-22.

Each license issued by the board shall be nontransferable and shall expire on December thirty-first of the year of issuance. A license shall be revocable for cause at any time prior to such date if, after holding a hearing pursuant to due notice thereof, the board shall so determine. License fees collected by the board shall be paid into the general fund of the state treasury.

SECTION 14.) Section 2-07-03.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-03.4. REVOCATION OR SUSPENSION OF LICENSE.) The board may suspend or revoke a license for any of the following reasons:

1. Incompetency.
2. Dishonest practice.
3. False or fraudulent representations made in obtaining a license or permit under this chapter.
4. Failure to comply with any provisions of this chapter, or any rules or regulations of the board made pursuant to this chapter.

SECTION 15. AMENDMENT.) Section 2-07-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-04. PERMIT REQUIRED - ISSUANCE OF PERMIT - FEE.)

1. A weather modification permit shall be required for each geographical area, as set out in the operational plan required by subsection 2 of this section, in which a person intends to conduct weather modification operations. Each permit issued by the board shall expire on December thirty-first of the year of issuance. A person applying for a weather modification operational permit shall file an application with the board, in such form as the board shall prescribe, which application shall be accompanied by an application fee of twenty-five dollars and contain such information as the board, by rule or regulation, may require, and in addition, each applicant for a permit shall:
  - a. Furnish proof of financial responsibility as provided by section 2-07-04.3.
  - b. Set forth a complete operational plan for the proposed operation which shall include a specific statement of its nature and object, a map of the proposed operating area which specifies the primary target area for the proposed operation and shows the area that is reasonably expected to be affected by such operation, a statement of the approximate time during which the operation is to be conducted, a list of the materials and methods to be used in conducting the operation, and such other detailed information as may be needed to describe the operation.
2. The board may issue the operational permit if it determines that:
  - a. The applicant holds a valid weather modification license issued under this chapter.
  - b. The applicant has furnished satisfactory proof of financial responsibility in accordance with section 2-07-04.3.
  - c. The applicant has paid the required application fee.
  - d. The operation:
    - (1) Is reasonably conceived to improve water quantity or quality, reduce loss from weather hazards, provide economic benefits for the people of this state, advance scientific knowledge or otherwise carry out the purposes of this chapter.
    - (2) Is designed to include adequate safeguards to minimize or avoid possible damage to the public health, safety, or welfare or to the environment.

- (3) Will not adversely affect another operation for which a permit has been issued.
- e. The applicant has North Dakota workmen's compensation insurance coverage for all employees working in North Dakota.
  - f. The applicant has furnished a performance bond as required by section 2-07-09.
  - g. The applicant has complied with such other requirements for the issuance of permits as may be required by the rules and regulations of the board.
  - h. The applicant has furnished a bid bond in accordance with section 2-07-09.1.
  - i. The applicant has registered, with the North Dakota aeronautics commission, any aircraft and pilots intended to be used in connection with the operation.

In order to carry out the objectives and purposes of this chapter, the board may condition and limit permits as to primary target areas, time of the operation, materials, equipment, and methods to be used in conducting the operation, emergency shutdown procedure, emergency assistance, and such other operational requirements as may be established by the board.

- 3. The board shall issue only one permit at a time for operations in any geographical area if two or more operations conducted in such an area according to permit limitations might adversely interfere with one another.
- 4. All permit fees collected by the board shall be paid into the general fund of the state treasury.

SECTION 16.) Section 2-07-04.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-04.1. HEARINGS.) The board shall give public notice, in the official county newspaper or newspapers in the area of the state reasonably expected to be affected by operations conducted under a permit, that it is considering an application for such permit, and, if objection to the issuance of the permit is received by the board within twenty days, the board may hold a public hearing for the purpose of obtaining information from the public concerning the effects of issuing the permit. The board may also hold such hearings upon its own motion.

SECTION 17.) Section 2-07-04.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-04.2. REVOCATION, SUSPENSION, OR MODIFICATION OF PERMIT.)



The board may suspend or revoke a permit if it appears that the permittee no longer has the qualifications necessary for the issuance of an original permit or has violated any provision of this chapter, or any of the rules and regulations issued under it.

The board may revise the conditions and limits of a permit if:

1. The permittee is given notice and a reasonable opportunity for a hearing, to be held in accordance with chapter 28-32.
2. It appears to the board that a modification of the conditions and limits of a permit is necessary to protect the public's health, safety, or welfare or the environment.

If it appears to the board that an emergency situation exists or is impending which could endanger the public's health, safety, or welfare or the environment, the board may, without prior notice or hearing, immediately modify the conditions or limits of a permit, or order temporary suspension of a permit. The issuance of such an order shall include notice of a hearing to be held within ten days thereafter on the question of permanently modifying the conditions and limits or continuing the suspension of the permit. Failure to comply with an order temporarily suspending an operation or modifying the conditions and limits of a permit shall be grounds for immediate revocation of the license and permit of the person controlling or engaged in the operation.

SECTION 18.) Section 2-07-04.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-04.3. PROOF OF FINANCIAL RESPONSIBILITY.) Proof of financial responsibility is made by showing to the satisfaction of the board that the permittee has the ability to respond in damages to liability which might reasonably result from the operation for which the permit is sought. Such proof of financial responsibility may be shown by:

1. Presentation to the board of proof of a prepaid noncancellable insurance policy against such liability, in an amount approved by the board.
2. Filing with the board a corporate surety bond, cash, or negotiable securities in an amount approved by the board.

SECTION 19. AMENDMENT.) Section 2-07-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-05. BOARD MAY CREATE OPERATING DISTRICTS - REPRESENTATION OF NONCONTRACTING COUNTIES.) The board shall have the authority to place any county contracting with the state for weather modification operations, in such an operational district as the board shall deem necessary to best provide such county with the benefits of weather modification. In determining the

boundaries of such operating districts, the board shall consider the patterns of crops within the state, climatic patterns, and the limitations of aircraft and other technical equipment. The board may assign any county which has not created a weather modification authority under this chapter to an operating district solely for the purpose of representation on the operations committee of such district.

SECTION 20.) Section 2-07-05.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-05.1. DISTRICT OPERATIONS ADVISORY COMMITTEES CREATED - DUTIES.)

1. There shall be a district operations advisory committee in each operations district created in accordance with section 2-07-05. Each committee shall be composed of one commissioner of the weather modification authority from each county within such district and one member of the board of county commissioners from the county or counties assigned to the district in accordance with section 2-07-05. Each advisory committee shall, upon majority vote, with the concurrence of the board, prescribe rules, regulations, and bylaws necessary to govern its procedures and meetings. Each committee shall evaluate weather modification operations within their respective districts and make recommendations and proposals to the board concerning such operations.
2. The weather modification authority of any county authorized to contract for weather modification operations under this chapter and not assigned to an operations district, shall assume the functions of the district operations committee and shall have and may exercise the powers and duties assigned to such operations committees by this chapter and by the rules and regulations of the board of weather modification.

SECTION 21.) Section 2-07-05.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-05.2. WEATHER MODIFICATION AUTHORITY MAY SUSPEND OPERATIONS.) Other provisions of this chapter notwithstanding, the weather modification authority in any county authorized to contract for weather modification operations under this chapter may suspend the county and state weather modification operation within that county designed to alter the weather within such county.

SECTION 22. AMENDMENT.) Subsection 3 of section 2-07-06.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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 in conjunction with the state of North Dakota. 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 23. AMENDMENT.) Section 2-07-06.3 of the 1973 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 in conjunction with the state of North Dakota. 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 24.) Section 2-07-06.8 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-06.8. CREATION OF WEATHER MODIFICATION AUTHORITY BY VOTE AFTER RESOLUTION OF COUNTY COMMISSIONERS.) The board of county commissioners of any county may, by resolution after a public hearing, submit the question of the creation of a weather modification authority to the electors of the county at the next county-wide election. Upon approval by a majority of the votes cast, the board of county commissioners shall pass a resolution creating a weather modification authority, as described in section 2-07-06, including the authority to levy a tax as provided by section 2-07-06.3.

SECTION 25. AMENDMENT.) Section 2-07-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-08. BIDS REQUIRED - WHEN.) Whenever the board of weather modification shall undertake to contract with any licensed controller in an amount in excess of ten thousand dollars in any one year, the board 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 the department of accounts and purchases. The board shall enter into no contract or agreement for weather modification services except with a controller, holding the permit as required by this chapter, except for the purpose of gathering technical information, and making studies or surveys.

SECTION 26. AMENDMENT.) Section 2-07-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-09. PERFORMANCE BOND REQUIRED.) Before the board shall contract with any 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 board, conditioned that the licensee and his agents will in all respects faithfully perform all weather modification contracts undertaken with the board and will comply with all provisions of this chapter and the contract entered into by the board and the licensee.

SECTION 27.) Section 2-07-09.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-09.1. BID BOND REQUIRED.) All bids submitted to the board of weather modification for operations conducted under this chapter shall be accompanied by a bidder's bond in a sum equal to five percent of the full amount of the bid, executed by the bidder as principal and by a surety company authorized to do business in this state as a guaranty that the bidder will enter into the contract if it is awarded to him.

SECTION 28. AMENDMENT.) Section 2-07-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-10. STATE IMMUNITY.) 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 weather modification authorities for any injury caused by weather modification operations by any person or licensed controller as defined in this chapter.

SECTION 29.) Section 2-07-10.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-10.1. LIABILITY OF CONTROLLER.)

1. An operation conducted under the license and permit requirements of this chapter is not an ultrahazardous or abnormally dangerous activity which makes the permittee subject to liability without fault.

2. Dissemination of materials and substances into the atmosphere by a permittee acting within the conditions and limits of his permit shall not constitute trespass.
3. Except as provided in this section and in section 2-07-10, nothing in this chapter shall prevent any person adversely affected by a weather modification operation from recovering damages resulting from negligent or intentionally harmful conduct by a permittee.
4. The fact that a person holds a license or was issued a permit under this chapter, or that he has complied with the rules and regulations made by the board pursuant to this chapter, is not admissible as a defense in any legal action which may be brought against him.

SECTION 30.) Section 2-07-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-11. WEATHER MODIFICATION BOARD MAY RECEIVE AND EXPEND FUNDS.) The weather modification board is hereby authorized to receive and accept for and in the name of the state any and all funds which may be offered or become available from federal grants or appropriations, private gifts, donations or bequests, county funds, or funds from any other source, except license and permit fees, and to expend said funds for the expense of administering this chapter, and, with the exception of county funds, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency in this state either by direct grant, by contract, or by other means.

All federal grants, federal appropriations, private gifts, donations or bequests, county funds, or funds from any other source, except license and permit fees, received by the board shall be paid over to the state treasurer, who shall credit same to a special fund in the state treasury known as the "state weather modification fund". All proceeds deposited by the state treasurer in the state weather modification fund are hereby appropriated to the North Dakota weather modification board and shall, if expended, be disbursed by warrant-check prepared by the department of accounts and purchases upon vouchers submitted by the North Dakota weather modification board, and shall be used for the purpose of paying for the expense of administration of this chapter and, with the exception of county funds, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency by direct grant, by contract, or by other means.

SECTION 31.) Section 2-07-11.1 of the North Dakota Century

Code is hereby created and enacted to read as follows:

2-07-11.1. COUNTY APPROPRIATIONS - STATE TO PROVIDE MATCHING FUNDS.) Any county weather modification authority which has contracted with the board of weather modification for weather modification operations under this chapter shall appropriate to the state weather modification fund one-half of the total amount determined by the board of weather modification as necessary to provide such county with weather modification operations. The board of weather modification may expend, from the state weather modification fund, such funds as it deems necessary to provide contracting counties with weather modification operations.

SECTION 32. AMENDMENT.) Section 2-07-13 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 2-07-13. PENALTY.) Any person contracting for or conducting any weather modification activity without being licensed in accordance with the provisions of this chapter or otherwise violating the provisions thereof shall be guilty of a class B misdemeanor.

SECTION 33. APPROPRIATION.) There is hereby appropriated, out of any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of \$654,760.00 to the state weather modification fund for the purposes of carrying out the provisions of this Act for the biennium beginning July 1, 1975, and ending June 30, 1977.

SECTION 34. EFFECTIVE DATE.) The provisions of this Act shall become effective July 1, 1975; however, nothing in this Act shall be construed to prevent county weather modification authorities from contracting directly with weather modification controllers until July 1, 1976, provided, however, after such date, if there are no state matching funds available in accordance with section 2-07-11.1, nothing in this Act shall be construed to prevent county weather modification authorities from contracting directly with weather modification controllers.

Approved April 8, 1975

\*NOTE: Section 2-07-13 was also amended by section 7 of Senate Bill No. 2039, chapter 106.