Sixty-seventh
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Legislative Management

(Judiciary Committee)

A BILL for an Act to amend and reenact section 4.1-01-19, paragraph 6 of subdivision b of subsection 2 of section 10-19.1-115, subsection 1 of section 15.1-07-33, subsection 6 of section 23-02.1-27, sections 23-07-07.6, 43-17-06, 43-17-14, 43-17-17, 43-17-24, 43-17-25, and 43-17-30, subsection 1 of section 54-07-01.2, and sections 57-51-16 and 61-04-06.2 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal section 61-03-05.1 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-01-19 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01-19. Environmental impact - Cost of participation.

1. Any expenses incurred by the commissioner or by the federal environmental law impact review committee in meeting the requirements of section 4.1-01-18 must be paid by the commissioner from the federal environmental law impact review fund.
2. If the attorney general elects to participate in an administrative or judicial process pertaining to federal environmental legislation or regulations, which detrimentally impact or potentially detrimentally impact the state's agricultural, energy, or oil production sectors, any expenses incurred by the attorney general in the participation must be paid by the commissioner from the federal environmental law impact review fund.
3. For purposes of this section, "expenses" include administrative costs, consulting fees, research costs, expert witness fees, attorney fees, and travel costs.

NOTE: The federal environmental law impact review fund, created in Section 4.1-01-21, is referenced twice in Section 4.1-01-10. However, the word "review" is missing from the fund name in the first reference. The inadvertent omission of the word "review" is corrected in this section of the bill draft.

SECTION 2. AMENDMENT. Paragraph 6 of subdivision b of subsection 2 of section 10-19.1-115 of the North Dakota Century Code is amended and reenacted as follows:

(6) The period of duration as provided in the articles has expired and has not been extended as provided in section ~~10-19.1-124~~10-19.1-127;

NOTE: Section 10-19.1-115 relates to involuntary dissolution under the North Dakota Business Corporation Act. Subsection 2 provides the manner in which a court may grant equitable relief or dissolve a corporation, which includes in an action brought by a shareholder when a corporation's period of duration has expired and an extension has not been granted. Section 10-19.1-115 references the extension provisions provided in Section 10-19.1-124. However, the extension provisions actually are provided in Section 10-19.1-127. The cross-reference error is corrected in this section of the bill draft.

SECTION 3. AMENDMENT. Subsection 1 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction~~,~~ or the information technology department, ~~or the North Dakota educational technology council,~~ each school district shall implement the state student information system administered by the information technology department and use it as its principal student information system. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in the state student information system.

NOTE: Sections 54-59-17 and 54-59-18, which provided for the North Dakota education technology council, were repealed by Senate Bill No. 2215 (2019). The reference to the North Dakota technology council was overstruck in an earlier version of Senate Bill No. 2215; however, the conference committee for Senate Bill No. 2215 removed Section 15.1-07-33 from the bill entirely due to a mistaken belief the reference to the North Dakota educational technology council in Section 15.1-07-33 already had been removed in enrolled Senate Bill No. 2101 (2019). The inadvertent failure to remove the reference to the repealed North Dakota education technology council is corrected in this section of the bill draft.

SECTION 4. AMENDMENT. Subsection 6 of section 23-02.1-27 of the North Dakota Century Code is amended and reenacted as follows:

6. The state department of health may grant limited access to birth and death information to divisions and programs of the state department of health, the department of transportation, the protection and advocacy project, and the ~~department of~~ information technology department, and to the department of human services necessary for the purpose of completing their respective official duties.

NOTE: This section of the bill draft changes the reference to the "department of information technology" to the "information technology department", which is the correct name of the department.

SECTION 5. AMENDMENT. Section 23-07-07.6 of the North Dakota Century Code is amended and reenacted as follows:

23-07-07.6. Report of testing result of imprisoned individuals.

1. Notwithstanding any other provision of law, the state department of health or any other agency shall release the results of any testing for any reportable disease performed on an individual convicted of a crime who is imprisoned if the request is made by any individual and the individual provides written proof from the administrator of the facility with control over the individual imprisoned which states that the individual has had a significant exposure ~~as defined in section 23-07.3-01~~.
2. For purposes of this section, "significant exposure" means:
   a. Contact of broken skin or mucous membrane with a patient's or other individual's blood or bodily fluids other than tears or perspiration;
   b. The occurrence of a needle stick or scalpel or instrument wound in the process of caring for a patient; or
   c. Exposure that occurs by any other method of transmission defined by the state department of health as a significant exposure.

NOTE: Section 23-07-07.6 references a "significant exposure" as defined in Section 23-07.3-01. However, Section 23-07.3-01 was repealed with the repeal of Chapter 23-07.3 in House Bill No. 1410 (2005). The definition provided in this section mirrors the definition of "significant exposure" provided in Section 23-07.3-01 before that section was repealed.

SECTION 6. AMENDMENT. Section 43-17-06 of the North Dakota Century Code is amended and reenacted as follows:

43-17-06. Officers of the board.

The board shall elect a president and vice president from its own number and ~~a secretary-treasurer~~an executive director. The ~~secretary-treasurer~~executive director need not be a member of the board. The ~~secretary-treasurer~~executive director must be the general administrative and prosecuting officer of such board.

NOTE: The hiring committee for the North Dakota Board of Medicine changed the title of the board's secretary-treasurer position to the title of executive director. The changes in this section update the old position title to the new title of executive director.

SECTION 7. AMENDMENT. Section 43-17-14 of the North Dakota Century Code is amended and reenacted as follows:

43-17-14. Compensation - Expenses of board and the members thereof.

A member of the board shall receive for each day during which the member actually is engaged in the performance of the duties of the member's office such per diem as must be fixed by the board and such mileage as is provided in section 54-06-09. The ~~secretary~~executive director of the board shall receive such salary or other compensation, and such allowance for clerical and other expenses of the board as the board shall determine.

NOTE: See explanation following Section 6.

SECTION 8. AMENDMENT. Section 43-17-17 of the North Dakota Century Code is amended and reenacted as follows:

43-17-17. Application for license.

In order to obtain a license to practice medicine in this state, an application must be made to the board through the ~~secretary-treasurer~~executive director. The application must be upon the form adopted by the board and must be made in the manner prescribed by it.

NOTE: See explanation following Section 6.

SECTION 9. AMENDMENT. Section 43-17-24 of the North Dakota Century Code is amended and reenacted as follows:

43-17-24. Physicians register with the board.

On or before the due date established by the board, every person legally licensed to practice medicine within this state shall file with the ~~secretary-treasurer~~executive director of the board a registration statement upon blanks prepared and provided by the board and shall pay to the ~~secretary-treasurer~~executive director the registration fee. No person may engage in the practice of medicine in this state without a current registration certificate issued by the board.

NOTE: See explanation following Section 6.

SECTION 10. AMENDMENT. Section 43-17-25 of the North Dakota Century Code is amended and reenacted as follows:

43-17-25. Registration fee.

The registration fee for any person licensed to practice medicine in the state must be fixed by regulation of the board. All fees must be paid to and held by the ~~secretary-treasurer~~executive director of the board and are subject to disbursement by the board in performing its duties.

NOTE: See explanation following Section 6.

SECTION 11. AMENDMENT. Section 43-17-30 of the North Dakota Century Code is amended and reenacted as follows:

43-17-30. Payment of delinquent registration fee - Reinstatement.

Any practitioner of medicine who has been licensed to practice in this state by the board, and who has been suspended from practice and whose license has been revoked because of failure to pay the registration fee, may, at the discretion of the board, be reinstated, and have the suspension revoked, and the license renewed by paying to the ~~secretary-treasurer~~executive director of the board the amount of the registration fee which is then in default.

NOTE: See explanation following Section 6.

SECTION 12. AMENDMENT. Subsection 1 of section 54-07-01.2 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1, 12-55.1-02, 12-59-01, 15-39.1-05.1, 15.1-01-01, 15.1-13-02, 20.1-02-23, 23-01-02, 23.1-01-02, 36-01-01, 37-18.1-01, 50-06-05.6, 54-34.3-10, 54-54-02, 55-01-01, and 61-02-04, all members of the following boards and commissions must, subject to the limitations of this section, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor:
   a. The aeronautics commission.
   b. The milk marketing board.
   c. The dairy promotion commission.
   d. The state banking board.
   e. The state credit union board.
   f. The advisory board of directors to the Bank of North Dakota.
   g. The pardon advisory board.
   h. The state parole board.
   i. The state board of public school education.
   j. The education standards and practices board.
   k. The board of trustees of the teachers' fund for retirement.
   l. The state game and fish advisory board.
   m. The health council.
   n. The environmental review advisory council.
   o. The board of animal health.

p. The administrative committee on veterans' affairs.

q. The committee on aging.

r. The commission on the status of women.

s. The North Dakota council on the arts.

t. The state historical board.

u. The state water commission.

~~v. The state water pollution control board.~~

NOTE: Section 54-07-01.2 provides the Governor the power to appoint members of certain boards and commissions. Among the boards listed in this section is the state water pollution control board. However, this board was eliminated through the repeal of Section 61-28-03 by Senate Bill No. 2327 (2017). The reference to the state water pollution control board inadvertently was left in Section 54-07-01.2. This section of the bill draft removes the reference to the repealed state water pollution control board.

SECTION 13. AMENDMENT. Section 57-51-16 of the North Dakota Century Code is amended and reenacted as follows:

57-51-16. Distribution of proceeds in certain cases.

If gross production tax is paid to the commissioner and the reports accompanying such tax are insufficient to enable the commissioner to determine the source, by county, from which it is produced, the state treasurer shall allocate those revenues under this section. In the first distribution to counties under section 57-51-15 which occurs after June gross production tax revenues are received by the state treasurer for allocation, the revenue under this section must be allocated among counties in the same proportions that revenue was allocated among counties that received distributions under section 57-51-15 during the year ended June thirtieth. Revenue received by the county under this section must be allocated within the county as provided in ~~subsection 3 of~~ section 57-51-15.

NOTE: Section 57-51-16 provides the manner in which gross production tax revenue is allocated within counties under certain circumstances. The section directs gross production tax revenue to be allocated within the county in the manner provided in Section 57-51-15(3); however, county allocations are addressed in subsections 4 and 5 of that section as a result of past revision and renumbering of Section 57-51-15. This section of the bill draft corrects the incorrect subsection reference by referencing Section 57-51-15 broadly.

SECTION 14. AMENDMENT. Section 61-04-06.2 of the North Dakota Century Code is amended and reenacted as follows:

61-04-06.2. Terms of permit - Disposition of fees.

The state engineer may issue a conditional water permit for less than the amount of water requested. Except for water permits for incorporated municipalities or rural water systems, the state engineer may not issue a permit for more water than can be beneficially used for the purposes stated in the application. Water permits for incorporated municipalities or rural water systems may contain water in excess of present needs based upon what may reasonably be necessary for the future water requirements of the municipality or the rural water system. The state engineer may require modification of the plans and specifications for the appropriation. The state engineer may issue a permit subject to fees for water use and conditions the state engineer considers necessary to protect the rights of others and the public interest. Conditions must be related to matters within the state engineer's jurisdiction. Fees collected under this section must be deposited in the resources trust fund of the state treasury. All conditions attached to any permit issued before July 1, 1975, are binding upon the permitholder.

NOTE: Senate Bill No. 2090 (2019) made various changes to laws pertaining to permits for the appropriation of water, including changing the fund in which application fees related to water use permits are deposited from the water use fund to the resources trust fund. The correction provided in this section clarifies that fees collected related to conditional water permits are deposited in the resources trust fund, rather than the water use fund.

SECTION 15. REPEAL. Section 61-03-05.1 of the North Dakota Century Code is repealed.

NOTE: The changes in this section of the bill draft accompany the changes in Section 14 of the bill draft. This section of the bill draft repeals Section 61-03-05.1, which inadvertently was not repealed in Senate Bill No. 2090 (2019) and which contains a conflicting requirement to deposit the fees collected under Section 61-04-06.2 in the water use fund, which is no longer used by the State Water Commission.