

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2308

Introduced by

Senators Roers, Hogue

Representatives Lefor, Louser

1 | A BILL for an Act to create and enact a new section to chapter ~~34-16~~54-07 of the North Dakota  
2 | Century Code, relating to a boards review task force; to amend and reenact section 6-09-43,  
3 | subdivision j of subsection 2 of section 15.1-01-04, sections 15.1-02-04, 15.1-07-33, and  
4 | 23-35-02.2, ~~34-16-01, and 34-16-02~~, subsection 30 of section 38-14.1-02, subdivision t of  
5 | subsection 1 of section 38-14.1-14, subsection 1 of section 50-06-01.4, section 52-02-02,  
6 | 52-02-08, subsection 1 of section 54-07-01.2, sections 54-54-05, 54-59-26, 54-59-27, 54-59-39,  
7 | 61-03-01.3, 61-04.1-03, 61-04.1-09, 61-04.1-12, 61-04.1-14, 61-04.1-15, 61-04.1-16, 61-  
8 | 04.1-17, 61-04.1-18, 61-04.1-19, 61-04.1-20, 61-04.1-21, 61-04.1-33, 61-04.1-34, 61-04.1-37,  
9 | 61-04.1-38, and 61-04.1-39, and subdivision a of subsection 2 of section 65-02-03.1 of the  
10 | North Dakota Century Code, relating to the wastewater recycling treatment guide, boards and  
11 | commissions, soil classifiers, the unemployment insurance advisory council, gubernatorial  
12 | appointments, the committee on aging, health information technology advisory committee,  
13 | statewide longitudinal data system committee, atmospheric resource board, the department of  
14 | health and human services, the council on the arts, the state engineer, the superintendent of  
15 | public instruction, job service North Dakota, and workforce safety and insurance coordinating  
16 | committee; to repeal chapter 8-11.1, section 12-48-06.1, chapter 17-07, sections 15.1-37-05,  
17 | 15.1-37-06, 15.1-37-08, 19-24.1-38, 19.1-24.1-39, and 23-35-02.3, chapters 34-16, 43-35, and  
18 | 43-36, sections 50-06-05.6, 50-06.4-10, 50-11.1-25, 50-11.1-26, 50-11.1-27, 52-02-07,  
19 | 54-34.3-10, 54-54-10, 54-59-25, 54-59-33, 54-59-34, 54-59-35, 54-59-36, 54-59-37, 54-59-38,  
20 | 54-60-25, 55-01-13, 55-01-14, 61-04.1-04, 61-04.1-05, 61-04.1-06, 61-04.1-07, 61-04.1-08, and  
21 | 61-04.1-10, and chapter 61-36 of the North Dakota Century Code, relating to occupational and  
22 | professional boards, the midwest interstate passenger rail compact, prison industry advisory

1 committee, energy policy commission, medical marijuana advisory committee, onsite  
2 wastewater recycling technical committee, state board of water well contractors, state board of  
3 registration for professional soil classifiers, committee on aging, brain injury advisory council,  
4 early childhood council, unemployment insurance advisory council, commission on the status of  
5 women, health information technology advisory committee, statewide longitudinal data system  
6 committee, poet laureate nominating board, rural development council, America 250  
7 commission, atmospheric resource board, and Devils Lake outlet management advisory  
8 committee; to provide an effective date; and to provide an expiration date.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1. AMENDMENT.** Section 6-09-43 of the North Dakota Century Code is amended  
11 and reenacted as follows:

12 **6-09-43. Health information technology planning loan fund - Appropriation.**

- 13 1. The health information technology planning loan fund is established in the Bank for the  
14 purpose of providing low-interest loans to health care entities to assist those entities in  
15 improving health information technology infrastructure. This fund is a revolving loan  
16 fund. All moneys transferred into the fund, interest upon moneys in the fund, and  
17 collections of interest and principal on loans made from the fund are appropriated for  
18 disbursement according to this section.
- 19 2. The Bank shall make loans from this fund to health care entities as approved by the  
20 health information technology office director, ~~in collaboration with the health-~~  
21 ~~information technology advisory committee,~~ in accordance with the criteria established  
22 by the health information technology director under section 54-59-26.
- 23 3. The Bank shall administer the health information technology planning loan fund. Funds  
24 in the loan fund may be used for loans as provided under this section and the costs of  
25 administration of the fund. Annually, the Bank may deduct a service fee for  
26 administering the revolving loan fund maintained under this section.
- 27 4. An application for a loan under this section must be made to the health information  
28 technology office. The health information technology office director, ~~in collaboration-~~  
29 ~~with the health information technology advisory committee,~~ may approve the  
30 application of a qualified applicant that meets the criteria established by the health

1 information technology office director. The health information technology office shall  
2 forward approved applications to the Bank. Upon approval of the application by the  
3 Bank, the Bank shall make the loan from the revolving loan fund as provided under  
4 this section.

5 5. The Bank may do all acts necessary to negotiate loans and preserve security as  
6 deemed necessary, to exercise any right of redemption, and to bring suit in order to  
7 collect interest and principal due the revolving loan fund under mortgages, contracts,  
8 and notes executed to obtain loans under this section. If the applicant's plan for  
9 financing provides for a loan of funds from sources other than the state of North  
10 Dakota, the Bank may make a loan subordinate security interest. The Bank may  
11 recover from the revolving loan fund amounts actually expended by the Bank for legal  
12 fees and to effect a redemption.

13 **SECTION 2. AMENDMENT.** Subdivision j of subsection 2 of section 15.1-01-04 of the North  
14 Dakota Century Code is amended and reenacted as follows:

15 j. The following gubernatorial appointees:

16 (1) ~~An individual representing the statewide longitudinal data system-~~  
17 ~~committee;~~

18 ~~(2)~~ An individual representing tribal school interests;

19 ~~(3)(2)~~ An individual employed as a public school administrator;

20 ~~(4)(3)~~ An individual employed as a public school principal;

21 ~~(5)(4)~~ An individual employed as a public elementary school teacher;

22 ~~(6)(5)~~ An individual employed as a public secondary school teacher;

23 ~~(7)(6)~~ A director of a special education unit; and

24 ~~(8)(7)~~ A director of a regional education association.

25 **SECTION 3. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **15.1-02-04. Superintendent of public instruction - Duties.**

28 The superintendent of public instruction:

29 1. Shall supervise the provision of elementary and secondary education to the students  
30 of this state.

- 1        2.    Shall supervise the establishment and maintenance of schools and provide advice and  
2            counsel regarding the welfare of the schools.
- 3        3.    Shall supervise the development of course content standards.
- 4        4.    Shall supervise the assessment of students.
- 5        5.    Shall serve as an ex officio member of the board of university and school lands.
- 6        6.    Shall keep a complete record of all official acts and appeals.
- 7        7.    As appropriate, shall determine the outcome of appeals regarding education matters.
- 8        8.    Shall direct school district annexation, reorganization, and dissolution and employ and  
9            compensate personnel necessary to enable the state board of public school education  
10          to carry out its powers and duties regarding school district annexation, reorganization,  
11          and dissolution.
- 12       9.    Shall facilitate a process to review and update annually the statewide prekindergarten  
13          through grade twelve education strategic vision. The process must include input and  
14          participation from a steering committee that includes representatives of all state-level  
15          entities receiving state education funding and education stakeholder groups. Each  
16          steering committee member entity receiving state education funds shall provide  
17          components of the entity's strategic plan which are aligned to the statewide strategic  
18          vision. The steering committee shall prepare a collaborative report of the strategic  
19          plans of each committee member entity receiving state education funds. The  
20          superintendent shall provide the collaborative report and any updates to the strategic  
21          vision to the legislative management during each interim and to a joint meeting of the  
22          education standing committees during each regular legislative session.
- 23       10.   Shall facilitate the development and implementation of a North Dakota learning  
24          continuum in collaboration with the department of career and technical education,  
25          upon the recommendation of the kindergarten through grade twelve education  
26          coordination council.
- 27       11.   Shall:
  - 28            a.    Establish the terms and conditions under which a person may be authorized to  
29                  access data through the statewide longitudinal data system;

- 1           b. Require all statewide longitudinal data system administrators to implement  
2           approved data protection practices to ensure the security of electronic and  
3           physical data which must include requirements for encryption and staff training;  
4           c. Provide for biennial privacy and security audits of the statewide longitudinal data  
5           system;  
6           d. Establish protocols, including procedures, for the notification of students and  
7           parents in the event of a data breach involving the statewide longitudinal data  
8           system;  
9           e. Require that data retention and disposition by the statewide longitudinal data  
10          system be governed by the same policies as those instituted for the information  
11          technology department;  
12          f. Require the provision of annual training regarding data protection to any  
13          individuals who have access to the statewide longitudinal data system, including  
14          school district employees, employees of the North Dakota university system  
15          office and institutions under the control of the state board of higher education,  
16          and elected or appointed state or local governmental officials; and  
17          g. Provide a report regarding the statewide longitudinal data system outlining  
18          recommendations for further development, cost proposals, proposals for  
19          legislation, and recommendations for data sharing governance.

20           **SECTION 4. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **15.1-07-33. Student information system - Exemption.**

- 23           1. Notwithstanding any other technology requirements imposed by the superintendent of  
24           public instruction or the information technology department, each school district shall  
25           implement the state student information system administered by the information  
26           technology department and use it as its principal student information system. Each  
27           school district shall use a state course code, assigned by the department of public  
28           instruction, to identify all local classes in the state student information system.  
29           2. ~~The statewide longitudinal data system committees~~superintendent of public instruction  
30           may exempt a school district from having to implement and utilize the state student  
31           information system if the school district demonstrates ~~that~~:

- 1           a. The district has acquired and is using a student information system determined to  
2           be compatible with the statewide longitudinal data system; or  
3           b. In accordance with requirements of the bureau of Indian education, the district  
4           has acquired and is utilizing a student information system that is determined to  
5           be comparable by the superintendent.

6           **SECTION 5. AMENDMENT.** Section 23-35-02.2 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **23-35-02.2. Public health units to adopt onsite wastewater recycling treatment guide.**

9           Each public health unit shall adopt the statewide technical guide for onsite wastewater  
10 recycling treatment technologies and sewage distribution technologies established by the onsite-  
11 wastewater recycling technical committee department of health and human services.

12 ~~— **SECTION 6. AMENDMENT.** Section 34-16-01 of the North Dakota Century Code is~~  
13 ~~amended and reenacted as follows:~~

14 ~~— **34-16-01. Definitions.**~~

15 ~~— 1. "Board" means an occupational or professional board established under title 43 and~~  
16 ~~any other statutorily created board, commission, or council.~~

17 ~~— 2. "Commissioner" means the labor commissioner.~~

18 ~~— **SECTION 7. AMENDMENT.** Section 34-16-02 of the North Dakota Century Code is~~  
19 ~~amended and reenacted as follows:~~

20 ~~— **34-16-02. Duties of commissioner.**~~

21 ~~— The commissioner shall gather information regarding the continuing education requirements~~  
22 ~~and the practice of licensing out-of-state practitioners for each licensing board under title 43, the~~  
23 ~~education standards and practices board, and the state board of law examiners. The~~  
24 ~~commissioner shall analyze the information to develop and update a strategy for more efficient~~  
25 ~~continuing education requirements and more efficient practices for licensing out-of-state~~  
26 ~~practitioners. As necessary, the commissioner may recommend introduction of legislation to~~  
27 ~~implement this strategy.~~

28 ~~— **SECTION 8.** A new section to chapter 34-16 of the North Dakota Century Code is created~~  
29 ~~and enacted as follows:~~

1 ~~Boards review task force.~~

2 ~~1. The commissioner shall provide staffing and administrative services to the boards-~~  
3 ~~review task force. The task force shall:~~

4 ~~a. Review and assess all boards for inefficiencies and duplication of responsibilities;-~~

5 ~~b. Issue performance evaluations; and~~

6 ~~c. Make recommendations to the legislative assembly regarding minimizing and-~~  
7 ~~streamlining government operations through the consolidation or elimination of-~~  
8 ~~boards.~~

9 ~~2. In addition to the commissioner, who shall serve as the presiding officer of the task-~~  
10 ~~force, the task force must include:~~

11 ~~a. A member of the senate, appointed by the senate majority leader.~~

12 ~~b. A member of the house of representatives, appointed by the house of-~~  
13 ~~representatives majority leader.~~

14 ~~c. A representative of an organization representing cities, appointed by the-~~  
15 ~~governor.~~

16 ~~d. A representative of an organization representing counties, appointed by the-~~  
17 ~~governor.~~

18 ~~e. A representative of the business community, appointed by the governor.~~

19 ~~f. A member at large, appointed by the governor.~~

20 ~~3. A member of the task force who is not a state employee is entitled to reimbursement-~~  
21 ~~for mileage and expenses as provided by law for state officers and employees, to be-~~  
22 ~~paid by the labor commissioner. A state employee who is a member of the task force is-~~  
23 ~~entitled to receive that employee's regular salary and is entitled to reimbursement for-~~  
24 ~~mileage and expenses to be paid by the employing agency. A member of the task-~~  
25 ~~force who is a member of the legislative assembly is entitled to receive per diem-~~  
26 ~~compensation at the rate provided under section 54-35-10 for each day performing-~~  
27 ~~official duties of the task force. The legislative council shall pay the per diem-~~  
28 ~~compensation and reimbursement for travel and expenses as provided by law for any-~~  
29 ~~member of the task force who is a member of the legislative assembly.~~

1 ~~4. Before October 1, 2026, the task force shall provide a report of its findings and~~  
2 ~~recommendations and any proposed legislation necessary to implement the~~  
3 ~~recommendations to the legislative management and the governor.~~

4 **SECTION 6. AMENDMENT.** Subsection 30 of section 38-14.1-02 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 30. "Soil classifier" means ~~a professional soil classifier as defined in subsection 4 of~~  
7 ~~section 43-36-01~~an individual who by reason of that individual's special knowledge of  
8 the physical, chemical, and biological sciences applicable to soils as natural bodies  
9 and of the methods and principles of soil classification as acquired by soils education  
10 and soil classification experience in the formation, morphology, description, and  
11 mapping of soils is qualified to practice soil classifying.

12 **SECTION 7. AMENDMENT.** Subdivision t of subsection 1 of section 38-14.1-14 of the North  
13 Dakota Century Code is amended and reenacted as follows:

14 t. A soil survey of all the suitable plant growth material within the permit area. Such  
15 survey must also locate and identify prime soils in the permit area. The survey  
16 must be made by a professional soil classifier as described in ~~subsection 4 of~~  
17 ~~section 43-36-01~~section 38-14.1-02.

18 **SECTION 8. AMENDMENT.** Subsection 1 of section 50-06-01.4 of the North Dakota  
19 Century Code is amended and reenacted as follows:

- 20 1. The department includes the state hospital, the regional human service centers, a  
21 vocational rehabilitation unit, public health division, and other units or offices and  
22 administrative and fiscal support services as the commissioner of the department  
23 determines necessary. The department must be structured to promote efficient and  
24 effective operations and, consistent with fulfilling its prescribed statutory duties, shall  
25 act as the official agency of the state in the discharge of the following functions not  
26 otherwise by law made the responsibility of another state agency:
- 27 a. (1) Administration of programs for children and families, including adoption  
28 services and the licensure of child-placing agencies, foster care services  
29 and the licensure of foster care arrangements, certification of shelter care  
30 services, child protection services, children's trust fund, licensure of early  
31 childhood programs, refugee services, in-home community-based services,



1                   quality control, and administration of the interstate compacts on the  
2                   placement of children and juveniles.

3                   (2) Administration of programs to identify all available options for effectively  
4                   maximizing the provision of early childhood education services within the  
5                   state, address the coordinated utilization of facilities, personnel, and  
6                   transportation, for the provision of early childhood education services within  
7                   the state.

8                   (3) Distribute grants, in the amount of two thousand dollars for each child  
9                   enrolled in a program of early childhood education, if the child is eligible for  
10                   free lunches under the Richard B. Russell National School Lunch Act  
11                   [42 U.S.C. 1751, et seq.], and one thousand dollars for each child enrolled  
12                   in a program of early childhood education, if the child is eligible for reduced  
13                   lunches under the Richard B. Russell National School Lunch Act [42 U.S.C.  
14                   1751, et seq.].

- 15                   b. Administration of programs for individuals with developmental disabilities,  
16                   including licensure of facilities and services, the establishment funding for family  
17                   members and corporate guardianships, and the design and implementation of a  
18                   community-based service system for persons in need of habilitation.
- 19                   c. Administration of aging service programs, including nutrition, transportation,  
20                   advocacy, social, ombudsman, recreation, and related services funded under the  
21                   Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and  
22                   community-based services, and licensure of adult foster care homes,~~and the~~  
23                   ~~committee on aging.~~
- 24                   d. Administration of behavioral health programs, including reviewing and identifying  
25                   service needs and activities in the state's behavioral health system in an effort to  
26                   ensure health and safety, access to services, and quality of services; establishing  
27                   quality assurance standards for the licensure of substance use disorder program  
28                   services and facilities; providing policy leadership in partnership with public and  
29                   private entities; and providing chronic disease management, regional intervention  
30                   services, and twenty-four-hour crisis services for individuals with behavioral  
31                   health disorders.

- 1 e. Administration of economic assistance programs, including temporary assistance  
2 for needy families, the supplemental nutrition assistance program, home energy  
3 assistance, child care assistance, refugee assistance, work experience, work  
4 incentive, and quality control.
- 5 f. Administration of medical service programs, including medical assistance for  
6 children's health insurance program, Medicaid waivers, early and periodic  
7 screening, diagnosis and treatment, utilization control, autism services, and  
8 claims processing.
- 9 g. Administration of general assistance.
- 10 h. Administration of child support.
- 11 i. Administration of program, services, and licensing outlined in title 23 and other  
12 previous duties of the state department of health and state health council.
- 13 j. Administration of a program to improve the quality of life for an individual with  
14 brain injury and the individual's family through brain injury awareness, prevention,  
15 research, education, collaboration, support services, and advocacy.

16 **SECTION 9. AMENDMENT.** Section 52-02-02 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **52-02-02. Powers, duties, organization, and methods of procedure of bureau - Seal.**

19 The bureau may adopt, amend, or rescind ~~such~~ rules and regulations, make ~~such~~  
20 expenditures, require ~~such~~ reports, make ~~such~~ investigations, and take ~~such~~ other action as it  
21 deems necessary or suitable in the administration of the North Dakota unemployment  
22 compensation law. ~~Such rules~~All rules and regulations are effective upon publication in the  
23 manner, not inconsistent with the provisions of the North Dakota unemployment compensation  
24 law, which the bureau shall prescribe. The bureau shall determine its own organization and  
25 methods of procedure in accordance with the provisions of the North Dakota unemployment  
26 compensation law and shall have an official seal which shall be noticed judicially.

27 **SECTION 10. AMENDMENT.** Section 52-02-08 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29 **52-02-08. Bureau and ~~advisory councils~~ to take steps to stabilize employment.**

30 The bureau, ~~with the advice and aid of its advisory councils,~~ and through its appropriate  
31 divisions, shall take appropriate steps to:

- 1        1.    Reduce and prevent unemployment.
- 2        2.    Encourage and assist in the adoption of practical methods of career and technical
- 3                education training, retraining, and career development counseling.
- 4        3.    Investigate, recommend, advise, and assist in the establishment and operation, by
- 5                municipalities, counties, school districts, and the state, of reserves for public works to
- 6                be used in times of business depression and unemployment.
- 7        4.    Promote the re-employment of unemployed workers throughout the state in every
- 8                other way that may be feasible.
- 9        5.    Carry on and publish the results of investigations and research studies.

10        **SECTION 11. AMENDMENT.** Subsection 1 of section 54-07-01.2 of the North Dakota  
11 Century Code is amended and reenacted as follows:

- 12        1.    Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1,
- 13                12-55.1-02, 12-59-01, 15-39.1-05.1, 15.1-01-01, 15.1-13-02, 20.1-02-23, 23.1-01-02,
- 14                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
- 15                members of the following boards and commissions must, subject to the limitations of
- 16                this section, be considered to have resigned from such boards and commissions
- 17                effective January first of the first year of each four-year term of the governor:
- 18                a.    The aeronautics commission.
- 19                b.    The milk marketing board.
- 20                c.    The dairy promotion commission.
- 21                d.    The state banking board.
- 22                e.    The state credit union board.
- 23                f.    The advisory board of directors to the Bank of North Dakota.
- 24                g.    The pardon advisory board.
- 25                h.    The state parole board.
- 26                i.    The state board of public school education.
- 27                j.    The education standards and practices board.
- 28                k.    The board of trustees of the teachers' fund for retirement.
- 29                l.    The state game and fish advisory board.
- 30                m.    The environmental review advisory council.
- 31                n.    The board of animal health.

- 1 o. The administrative committee on veterans' affairs.
- 2 p. ~~The committee on aging.~~
- 3 q. ~~The commission on the status of women.~~
- 4 r. The North Dakota council on the arts.
- 5 s-q. The state historical board.
- 6 t-r. The state water commission.

7 **SECTION 12.** A new section to chapter 54-07 of the North Dakota Century Code is created  
8 and enacted as follows:

9 **Boards review task force.**

- 10 1. The ~~commissioner~~office of the governor shall provide staffing and administrative  
11 services to the boards review task force. The task force shall:
- 12 a. Review and assess all boards for inefficiencies and duplication of responsibilities;
  - 13 b. Issue performance evaluations; and
  - 14 c. Make recommendations to the legislative assembly regarding minimizing and  
15 streamlining government operations through the consolidation or elimination of  
16 boards.
- 17 2. In addition to the ~~commissioner~~governor or the governor's designee, who shall serve  
18 as the presiding officer of the task force, the task force must include:
- 19 a. A member of the senate, appointed by the senate majority leader.
  - 20 b. A member of the house of representatives, appointed by the house of  
21 representatives majority leader.
  - 22 c. A representative of an organization representing cities, appointed by the  
23 governor.
  - 24 d. A representative of an organization representing counties, appointed by the  
25 governor.
  - 26 e. A representative of the business community, appointed by the governor.
  - 27 f. A member at large, appointed by the governor.
- 28 3. A member of the task force who is not a state employee is entitled to reimbursement  
29 for mileage and expenses as provided by law for state officers and employees, to be  
30 paid by the ~~labor commissioner~~office of the governor. A state employee who is a  
31 member of the task force is entitled to receive that employee's regular salary and is

1 entitled to reimbursement for mileage and expenses to be paid by the employing  
2 agency. A member of the task force who is a member of the legislative assembly is  
3 entitled to receive per diem compensation at the rate provided under section 54-35-10  
4 for each day performing official duties of the task force. The legislative council shall  
5 pay the per diem compensation and reimbursement for travel and expenses as  
6 provided by law for any member of the task force who is a member of the legislative  
7 assembly.

8 4. Before October 1, 2026, the task force shall provide a report of its findings and  
9 recommendations and any proposed legislation necessary to implement the  
10 recommendations to the legislative management ~~and the governor.~~

11 **SECTION 13. AMENDMENT.** Section 54-54-05 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **54-54-05. Duties of council.**

14 The duties of the council are:

- 15 1. To stimulate and encourage throughout the state the study and presentation of the  
16 performing and fine arts and public interest and participation therein.
- 17 2. To make such surveys as may be deemed advisable of public and private institutions  
18 engaged within the state in artistic and cultural activities, including but not limited to,  
19 music, theater, dance, painting, sculpture, architecture, and allied arts and crafts, and  
20 to make recommendations concerning appropriate methods to encourage participation  
21 in and appreciation of the arts to meet the legitimate needs and aspirations of persons  
22 in all parts of the state.
- 23 3. To take such steps as may be necessary and appropriate to encourage public interest  
24 in the cultural heritage of our state and to expand the state's cultural resources.
- 25 4. To encourage and assist freedom of artistic expression essential for the well-being of  
26 the arts.
- 27 5. To determine the artistic value of property as provided by section 1-08-04.1.
- 28 6. To administer a poet laureate program that selects the poet laureate and requires the  
29 poet laureate to participate in at least four public events around the state each year.

30 **SECTION 14. AMENDMENT.** Section 54-59-26 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **54-59-26. Health information technology office - Duties - Loan and grant programs.**

2           1.    ~~The health information technology office is created in the department. The health-~~  
3           ~~information technology advisory committee shall make recommendations to the health-~~  
4           ~~information technology office for implementing an interoperable health information-~~  
5           ~~infrastructure that is consistent with emerging national standards; promote the-~~  
6           ~~adoption and use of electronic health records and other health information-~~  
7           ~~technologies; and promote interoperability of health information systems for the-~~  
8           ~~purpose of improving health care quality, patient safety, and the overall efficiency of~~  
9           ~~health care and public health services.~~

10          2.    The health information technology office director, ~~in collaboration with the health-~~  
11          ~~information technology advisory committee,~~ shall:

12          a.    Apply for federal funds that may be available to assist the state and health care  
13          providers in implementing and improving health information technology.

14          b.    Implement and administer a health information exchange that utilizes information  
15          infrastructure and systems in a secure and cost-effective manner to facilitate the  
16          collection, storage, and transmission of health records.

17          c.    Adopt rules under chapter 28-32 for the use of health information, use of the  
18          health information exchange, and participation in the health information  
19          exchange.

20          d.    Adopt rules under chapter 28-32 for accessing the health information exchange  
21          to ensure appropriate and required privacy and security protections and relating  
22          to the authority of the director to suspend, eliminate, or terminate the right to  
23          participate in the health information exchange.

24          e.    Establish a health information technology planning loan program to provide  
25          low-interest loans to health care entities to assist those entities in improving their  
26          health information technology infrastructure under section 6-09-43.

27          f.    Facilitate and expand electronic health information exchange in the state, directly  
28          or by awarding grants.

29          g.    Establish an application process and eligibility criteria for and accept and process  
30          applications for loans and grants under subdivisions e and f. The eligibility criteria  
31          must be consistent with federal requirements associated with federal funds

1 received under subdivision a. The eligibility criteria for loans under subdivision f  
2 must include a requirement that the recipient's approved health information  
3 technology be strategically aligned with the state's health information technology  
4 plan and the associated federal standards and that the recipient has passed an  
5 onsite electronic medical record readiness assessment conducted by an  
6 assessment team determined by ~~the health information technology advisory-~~  
7 ~~committee and~~ the health information technology office director.

8 h. Determine fees and charges for access and participation in the health information  
9 exchange. Any moneys collected under this subdivision must be deposited in the  
10 electronic health information exchange fund.

11 i. Consult and coordinate with the department of health and human services to  
12 facilitate the collection of health information from health care providers and state  
13 agencies for public health purposes, including identifiable health information that  
14 may be used by state agencies, departments, or institutions to comply with  
15 applicable state or federal laws.

16 3. ~~If the health information technology advisory committee determines that establishing a~~  
17 ~~health information exchange with another state or states will assist in providing health~~  
18 ~~information exchange services in a cost-effective manner, the~~The health information  
19 technology office director, ~~in collaboration with the health information technology~~  
20 ~~advisory committee,~~ may join with another state or states to establish, implement, and  
21 administer a health information exchange consistent with ~~other provisions of this~~  
22 chapter.

23 **SECTION 15. AMENDMENT.** Section 54-59-27 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **54-59-27. Health information technology office - Electronic health information**  
26 **exchange fund.**

27 1. There is created an electronic health information exchange fund. The fund consists of  
28 moneys deposited in the fund from federal or other sources or moneys transferred into  
29 the fund as directed by the legislative assembly. The health information technology  
30 office shall administer this fund and shall distribute moneys in the fund accordingly.  
31 The moneys in the fund must be used to facilitate and expand electronic health

1 information exchange. Moneys in the fund may be used, subject to legislative  
2 appropriations, to provide services directly, for grants as provided under this section,  
3 and for the costs of administration of the fund.

4 2. A grant applicant shall submit an application to the health information technology  
5 office, which shall determine the applicant's eligibility based upon criteria established  
6 by the health information technology office director ~~in collaboration with the health-~~  
7 ~~information technology advisory committee.~~

8 3. This section does not create an entitlement to any funds available for grants under this  
9 section. The health information technology office may award these grants to the extent  
10 funds are available and, within the office's discretion, to the extent such applications  
11 are approved.

12 **SECTION 16. AMENDMENT.** Section 54-59-39 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **54-59-39. State agencies - Mandatory provision of information - Confidentiality.**

- 15 1. The information technology department may request from any state agency:
- 16 a. All information required by 20 U.S.C. 9871(e)(2)(D);
  - 17 b. Any other educational information ~~the statewide longitudinal data system-~~  
18 ~~committee determines~~ is required for a longitudinal data system to comply with  
19 state or federal law; and
  - 20 c. Unemployment insurance wage data from job service North Dakota for education  
21 and workforce development program evaluations, except that the information  
22 technology department may not redisclose any data identifying an individual  
23 unless the redisclosure is expressly permitted by a written agreement between  
24 job service North Dakota and the department or is otherwise expressly permitted  
25 or required by federal or state law.
- 26 2. Subject to applicable restrictions on the use and disclosure of confidential information  
27 required to comply with federal and state privacy laws, any state agency receiving a  
28 request for information under subsection 1 shall provide the information at the time  
29 and in the manner required by the information technology department.

30 **SECTION 17. AMENDMENT.** Section 61-03-01.3 of the North Dakota Century Code is  
31 amended and reenacted as follows:



1       **61-03-01.3. Director - State engineer - Powers and duties.**

2       1. The director shall:

3           a. Enforce all rules adopted by the department;

4           b. Hire a state engineer who is a qualified professional engineer, has appropriate  
5           hydrology experience, and will report to the director;

6           c. Hire other employees as necessary to carry out the duties of the department and  
7           director;

8           d. Organize the department in an efficient manner; and

9           e. Take any other action necessary and appropriate for administration of the  
10          department.

11          f. Adopt rules to regulate water well contractors.

12          g. Advise the governor and the state water commission regarding operations of  
13          Devils Lake outlets.

14          h. Recommend criteria for operation of each outlet based on outflow volumes, water  
15          quality considerations, and the risk of an overflow of Devils Lake.

16       2. The state engineer is responsible for and shall manage the department's oversight of  
17       dam safety, water appropriations, and construction and drainage permits, and  
18       associated technical duties related to public safety and property protection.

19       **SECTION 18. AMENDMENT.** Section 61-04.1-03 of the North Dakota Century Code is  
20       amended and reenacted as follows:

21       **61-04.1-03. Definitions.**

22       As used in this chapter, unless the context otherwise requires:

23       1. ~~"Board" means the North Dakota atmospheric resource board which, in the exercise of~~  
24       ~~the powers granted under this chapter, has all of the powers of an administrative~~  
25       ~~agency as defined in chapter 28-32.~~

26       2. "Controller" refers to any licensee duly authorized in this state to engage in weather  
27       modification operations.

28       ~~3-2.~~ "Geographical region" means a geographical area with a contiguous boundary that  
29       may enclose a portion of any county or counties.

30       ~~4-3.~~ "Hail suppression" refers to the activation of any process that will reduce, modify,  
31       suppress, eliminate, or soften hail formed in clouds or storms.

1     ~~5.4.~~ "Increasing precipitation" refers to the activation of any process that will actually result  
2           in greater amounts of moisture reaching the ground in any area from a cloud or cloud  
3           system than would have occurred naturally.

4     ~~6.5.~~ "Initiating precipitation" refers to the process of causing precipitation from clouds which  
5           could not otherwise have occurred naturally or inducing precipitation significantly  
6           earlier than would have occurred naturally.

7     ~~7.6.~~ "Operation" means the performance of any weather modification activity undertaken  
8           for the purpose of producing or attempting to produce any form of modifying effect  
9           upon the weather within a limited geographical area or within a limited period of time.

10    ~~8.7.~~ "Research and development" means exploration, field experimentation, and extension  
11           of investigative findings and theories of a scientific or technical nature into practical  
12           application for experimental and demonstration purposes, including the experimental  
13           production of models, devices, equipment, materials, and processes.

14    ~~9.8.~~ "Weather modification" means and extends to the control, alteration, and amelioration  
15           of weather elements, including man-caused changes in the natural precipitation  
16           process, hail suppression or modification, and alteration of other weather phenomena,  
17           including clouds, temperature, wind direction, and velocity, and the initiating,  
18           increasing, decreasing, and otherwise modifying by artificial methods of precipitation in  
19           the form of rain, snow, hail, mist, or fog through cloud seeding, electrification, or by  
20           other means to provide immediate practical benefits.

21    ~~10.9.~~ "Weather modification authority" means the governing body created by a board of  
22           county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27,  
23           61-04.1-29, or 61-04.1-31.

24           **SECTION 19. AMENDMENT.** Section 61-04.1-09 of the North Dakota Century Code is  
25    amended and reenacted as follows:

26           **61-04.1-09. ~~Board~~Department of water resources to establish research and**  
27    **development program - Hail suppression pilot program.**

28           1. The ~~board~~department of water resources shall establish a program of weather  
29           modification research and development in this state. The ~~board~~department shall  
30           supervise and coordinate all research and development activities in the state or

1 research and development activities outside of the state participated in or conducted  
2 by any state institution or state or county agency.

3 2. If the ~~board~~department plans and studies a hail suppression pilot program, the  
4 ~~board~~department may conduct a planning phase that includes studying the impact on  
5 the environment, providing public education, and formulating an operations plan.

6 **SECTION 20. AMENDMENT.** Section 61-04.1-12 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **61-04.1-12. Exemptions.**

9 The ~~board~~department of water resources may provide by rule for exemption of the following  
10 activities from the license and permit requirements of section 61-04.1-11:

11 1. Research and development conducted by the state, political subdivisions of the state,  
12 colleges and universities of the state, agencies of the federal government, or bona fide  
13 research corporations.

14 2. Weather modification operations of an emergency nature taken against fire, frost, or  
15 fog.

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

18 **SECTION 21. AMENDMENT.** Section 61-04.1-14 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **61-04.1-14. Issuance of license - Fee.**

21 The ~~board~~department of water resources shall provide, by rule, the procedure and criteria  
22 for the issuance of a license. The ~~board~~department, in accordance with its rules, shall issue a  
23 weather modification license to each applicant who:

24 1. Pays a license fee of fifty dollars.

25 2. Demonstrates competence to engage in weather modification operations, to the  
26 satisfaction of the ~~board~~department.

27 3. Designates an agent for the service of process pursuant to section 61-04.1-13 or  
28 chapter 10-19.1.

29 Each license issued by the ~~board~~department is nontransferable and ~~shall expire~~expires  
30 on December thirty-first of the year of issuance. A license ~~shall be~~is revocable for cause at any  
31 time prior to such date if, after holding a hearing upon due notice, the ~~board~~shall

1 ~~determined~~department determines that cause for revocation exists. License fees collected by the  
2 ~~board shall~~department must be paid into the general fund in the state treasury.

3 **SECTION 22. AMENDMENT.** Section 61-04.1-15 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **61-04.1-15. Revocation or suspension of license.**

6 The ~~board~~department of water resources may suspend or revoke a license for any of the  
7 following reasons:

- 8 1. Incompetency.
- 9 2. Dishonest practice.
- 10 3. False or fraudulent representations made in obtaining a license or permit under this  
11 chapter.
- 12 4. Failure to comply with any provisions of this chapter or any rules adopted by the  
13 ~~board~~department pursuant to this chapter.

14 **SECTION 23. AMENDMENT.** Section 61-04.1-16 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **61-04.1-16. Permit required - Issuance of permit - Fee.**

- 17 1. A weather modification permit ~~shall be~~is required for each geographical area, as set  
18 out in the operational plan required by subdivision b, in which a person intends to  
19 conduct weather modification operations. Each permit issued by the ~~board shall~~  
20 ~~expire~~department of water resources expires on December thirty-first of the year of  
21 issuance. A person applying for a weather modification operational permit shall file an  
22 application with the ~~board~~department, in such form as the ~~board shall~~  
23 ~~prescribe~~department prescribes, which application ~~shall~~must be accompanied by an  
24 application fee of twenty-five dollars and contain such information as the  
25 ~~board~~department, by rule, may require, and in addition, each applicant for a permit  
26 shall:
  - 27 a. Furnish proof of financial responsibility as provided by section 61-04.1-19.
  - 28 b. Set forth a complete operational plan for the proposed operation which ~~shall~~must  
29 include a specific statement of its nature and object, a map of the proposed  
30 operating area which specifies the primary target area for the proposed operation  
31 and shows the area that is reasonably expected to be affected by such operation,

1 a statement of the approximate time during which the operation is to be  
2 conducted, a list of the materials and methods to be used in conducting the  
3 operation, and such other detailed information as may be needed to describe the  
4 operation.

5 2. The ~~board~~department may issue the permit if it determines that:

6 a. The applicant holds a valid weather modification license issued under this  
7 chapter.

8 b. The applicant has furnished satisfactory proof of financial responsibility in  
9 accordance with section 61-04.1-19.

10 c. The applicant has paid the required application fee.

11 d. The operation:

12 (1) Is reasonably conceived to improve water quantity or quality, reduce loss  
13 from weather hazards, provide economic benefits for the people of this  
14 state, advance scientific knowledge, or otherwise carry out the purposes of  
15 this chapter.

16 (2) Is designed to include adequate safeguards to minimize or avoid possible  
17 damage to the public health, safety, welfare, or the environment.

18 (3) Will not adversely affect another operation for which a permit has been  
19 issued.

20 e. The applicant has North Dakota workforce safety and insurance coverage for all  
21 employees working in this state.

22 f. The applicant has furnished a performance bond as required by section  
23 61-04.1-34.

24 g. The applicant has complied with such other requirements for the issuance of  
25 permits as may be required by the rules ~~and regulations~~ of the ~~board~~department.

26 h. The applicant has furnished a bid bond.

27 i. The applicant has registered, with the North Dakota aeronautics commission, any  
28 aircraft intended to be used in connection with the operation.

29 To carry out the objectives and purposes of this chapter, the ~~board~~department may  
30 condition and limit permits as to primary target areas, time of the operation, materials,  
31 equipment, and methods to be used in conducting the operation, emergency shutdown

1 procedure, emergency assistance, and such other operational requirements as may  
2 be established by the ~~board~~department.

3 3. The ~~board shall~~department may issue only one permit at a time for operations in any  
4 geographical area if two or more operations conducted in such an area according to  
5 permit limitations might adversely interfere with one another.

6 4. All permit fees collected by the ~~board shall~~department must be paid into the general  
7 fund of the state treasury.

8 **SECTION 24. AMENDMENT.** Section 61-04.1-17 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **61-04.1-17. Hearings.**

11 The ~~board~~department of water resources shall give public notice, in the official county  
12 newspaper or newspapers in the area of the state reasonably expected to be affected by  
13 operations conducted under a permit, that it is considering an application for such permit, and, if  
14 objection to the issuance of the permit is received by the ~~board~~department within twenty days,  
15 the ~~board~~department may hold a public hearing for the purpose of obtaining information from  
16 the public concerning the effects of issuing the permit. The ~~board~~department may also hold  
17 such hearings upon its own motion.

18 **SECTION 25. AMENDMENT.** Section 61-04.1-18 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **61-04.1-18. Revocation, suspension, or modification of permit.**

21 The ~~board~~department of water resources may suspend or revoke a permit if it appears that  
22 the permittee no longer has the qualifications necessary for the issuance of an original permit or  
23 has violated any provision of this chapter, or any of the rules adopted under it.

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

25 1. The permittee is given notice and a reasonable opportunity for a hearing, to be held in  
26 accordance with chapter 28-32.

27 2. It appears to the ~~board~~department that a modification of the conditions and limits of a  
28 permit is necessary to protect the public's health, safety, welfare, or the environment.

29 If it appears to the ~~board~~department that an emergency situation exists or is impending which  
30 could endanger the public's health, safety, welfare, or the environment, the ~~board~~department  
31 may, without prior notice or hearing, immediately modify the conditions or limits of a permit, or

1 order temporary suspension of a permit. The issuance of such an order ~~shall~~must include notice  
2 of a hearing to be held within ten days thereafter on the question of permanently modifying the  
3 conditions and limits or continuing the suspension of the permit. Failure to comply with an order  
4 temporarily suspending an operation or modifying the conditions and limits of a permit ~~shall be~~is  
5 grounds for immediate revocation of the license and permit of the person controlling or engaged  
6 in the operation.

7 **SECTION 26. AMENDMENT.** Section 61-04.1-19 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **61-04.1-19. Proof of financial responsibility.**

10 Proof of financial responsibility is made by showing to the satisfaction of the  
11 ~~board~~department of water resources that the permittee has the ability to respond in damages to  
12 liability which might reasonably result from the operation for which the permit is sought. ~~Such~~  
13 ~~proof~~Proof of financial responsibility may be shown by:

- 14 1. Presentation to the ~~board~~department of proof of a prepaid noncancelable insurance  
15 policy against such liability, in an amount approved by the ~~board~~department.
- 16 2. Filing with the ~~board~~department a corporate surety bond, cash, or negotiable  
17 securities in an amount approved by the ~~board~~department.

18 **SECTION 27. AMENDMENT.** Section 61-04.1-20 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **61-04.1-20. ~~Board~~Department of water resources may create operating districts -**  
21 **Representation of noncontracting counties.**

22 The ~~board~~department of water resources may place any county or geographical region for  
23 which a person contracts with the state for weather modification operations in any operational  
24 district the ~~board~~department determines necessary to best provide that county or geographical  
25 region with the benefits of weather modification. In determining the boundaries of an operating  
26 district, the ~~board~~deparatment shall consider the patterns of crops within the state, climatic  
27 patterns, and the limitations of aircraft and other technical equipment. The ~~board~~department  
28 may assign any county that has not created a weather modification authority under this chapter  
29 to an operating district solely for the purpose of representation on the operations committee of  
30 that district.

1       **SECTION 28. AMENDMENT.** Section 61-04.1-21 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **61-04.1-21. District operations advisory committees created - Duties.**

- 4       1. There must be a district operations advisory committee in each operations district  
5 created in accordance with section 61-04.1-20. Each committee must be composed of  
6 one commissioner of the weather modification authority, if a weather modification  
7 authority exists, from each county within the district; a representative of each person  
8 contracting for a geographical region assigned to the district; and one member of the  
9 board of county commissioners from each county assigned to the district. Each  
10 advisory committee, upon majority vote, with the concurrence of the ~~board~~department  
11 of water resources, shall adopt rules and bylaws necessary to govern that committee's  
12 procedures and meetings. Each committee shall evaluate weather modification  
13 operations within that committee's district and make recommendations and proposals  
14 to the ~~board~~department concerning these operations.
- 15       2. The weather modification authority of any county authorized to contract for weather  
16 modification operations under this chapter which is not assigned to an operations  
17 district shall assume the functions of the district operations committee and may  
18 exercise the powers and duties assigned to the operations committees by this chapter  
19 and by the rules of the ~~board~~department.

20       **SECTION 29. AMENDMENT.** Section 61-04.1-33 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22       **61-04.1-33. Bids required - When.**

23       ~~Whenever~~If the ~~board shall undertake to contract~~department of water resources contracts  
24 with any licensed controller in an amount in excess of ten thousand dollars in any one year, the  
25 ~~board~~department shall advertise for proposals for such weather modification activities and, in its  
26 proceedings with respect to bids therefor, shall substantially follow the manner and form  
27 required by the laws of this state for the purchase of supplies by the office of management and  
28 budget. The ~~board shall~~department may not enter into ~~nea~~ contract or agreement for weather  
29 modification services except with a controller, holding the permit as required by this chapter,  
30 except for the purpose of gathering technical information, and making studies or surveys.



1       **SECTION 30. AMENDMENT.** Section 61-04.1-34 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **61-04.1-34. Performance bond, cash, or negotiable securities required.**

4       Before the ~~board shall contract~~department of water resources contracts with any controller,  
5 ~~the department~~ shall require the controller to furnish a surety bond or cash or negotiable  
6 securities for the faithful performance of the contract in such amount as determined by the  
7 ~~board~~department, conditioned that the licensee and the licensee's agents will in all respects  
8 faithfully perform all weather modification contracts undertaken with the ~~board~~department and  
9 will comply with all provisions of this chapter and the contract entered ~~into~~ by the  
10 ~~board~~department and the licensee.

11       **SECTION 31. AMENDMENT.** Section 61-04.1-37 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13       **61-04.1-37. Liability of controller.**

- 14       1. An operation conducted under the license and permit requirements of this chapter is  
15       not an ultrahazardous or abnormally dangerous activity which makes the permittee  
16       subject to liability without fault.
- 17       2. Dissemination of materials and substances into the atmosphere by a permittee acting  
18       within the conditions and limits of the permittee's permit ~~shall~~do not constitute  
19       trespass.
- 20       3. Except as provided in this section and in section 61-04.1-36, ~~nothing in~~ this chapter  
21       ~~shall~~does not prevent any person adversely affected by a weather modification  
22       operation from recovering damages resulting from negligent or intentionally harmful  
23       conduct by a permittee.
- 24       4. The fact that a person holds a license or was issued a permit under this chapter, or  
25       that the person has complied with the rules adopted by the ~~board~~pursuant-  
26       ~~to~~department of water resources under this chapter, is not admissible as a defense in  
27       any legal action which may be brought against the person.

28       **SECTION 32. AMENDMENT.** Section 61-04.1-38 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1           **61-04.1-38. BoardDepartment of water resources may receive and expend funds.**

2           The ~~board~~department of water resources may receive and accept in the name of the state  
3 any funds that are offered or become available from any federal grant or appropriation, private  
4 gift, donation, or bequest, county funds, or funds from any other source except license and  
5 permit fees, and to expend these funds for the expense of administering this chapter, and, with  
6 the exception of county funds and funds from any other person contracting with the  
7 ~~board~~department for weather modification operations, for the encouragement of research and  
8 development in weather modification by any private person, the North Dakota state university,  
9 the university of North Dakota, or any other appropriate state, county, or public agency in this  
10 state by direct grant, contract, or other means.

11           All federal grants, federal appropriations, private gifts, donations, or bequests, county funds,  
12 or funds from any other source except license and permit fees, received by the  
13 ~~board~~department must be paid over to the state treasurer, who shall credit this amount to a  
14 special fund in the state treasury known as the state weather modification fund. All proceeds  
15 deposited by the state treasurer in the state weather modification fund are appropriated to the  
16 ~~board~~department and, if expended, must be disbursed by warrant-check prepared by the office  
17 of management and budget upon vouchers submitted by the ~~board~~department and must be  
18 used for the purpose of paying for the expense of administration of this chapter and, with the  
19 exception of county funds or funds from any other person contracting with the ~~board~~department  
20 for weather modification operations, for the encouragement of research and development in  
21 weather modification by any private person, the North Dakota state university, the university of  
22 North Dakota, or any other appropriate state, county, or public agency by direct grant, contract,  
23 or other means.

24           **SECTION 33. AMENDMENT.** Section 61-04.1-39 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26           **61-04.1-39. Payment for weather modification - State to provide funds.**

27           Any weather modification authority or person that contracted with the ~~board~~department of  
28 water resources for weather modification operations under this chapter shall appropriate to the  
29 state weather modification fund the amount determined by the ~~board~~department to be  
30 necessary to provide that weather modification authority or person with weather modification  
31 operations. The ~~board~~department may expend, from the state weather modification fund, the

1 funds the ~~board~~department deems necessary to provide a contracting weather modification  
2 authority or person with weather modification operations.

3 **SECTION 34. AMENDMENT.** Subdivision a of subsection 2 of section 65-02-03.1 of the  
4 North Dakota Century Code is amended and reenacted as follows:

5 a. A departing member representing an employer must be replaced by a member  
6 representing an employer, most of whose employees are in a different rate  
7 classification than those of the employer represented by the departing member.  
8 ~~The governor shall appoint the member for an employer representative from a list~~  
9 ~~of three potential candidates submitted by a coordinating committee appointed by~~  
10 ~~the governor, composed of representatives from the associated general~~  
11 ~~contractors of North Dakota, the North Dakota petroleum council, the greater~~  
12 ~~North Dakota chamber of commerce, the North Dakota motor carriers~~  
13 ~~association, the North Dakota hospital association, the national federation of~~  
14 ~~independent business, the lignite energy council, and other statewide business~~  
15 ~~interests.~~

16 **SECTION 35. REPEAL.** Chapter 8-11.1, section 12-48-06.1, chapter 17-07, sections  
17 15.1-37-05, 15.1-37-06, 15.1-37-08, 19-24.1-38, 19.1-24.1-39 and 23-35-02.3, chapters 34-16,  
18 43-35, and 43-36, sections 50-06-05.6, 50-06.4-10, 50-11.1-25, 50-11.1-26, 50-11.1-27,  
19 52-02-07, 54-34.3-10, 54-54-10, 54-59-25, 54-59-33, 54-59-34, 54-59-35, 54-59-36, 54-59-37,  
20 54-59-38, 54-60-25, 61-04.1-04, 61-04.1-05, 61-04.1-06, 61-04.1-07, 61-04.1-08, and  
21 61-04.1-10, and chapter 61-36 of the North Dakota Century Code are repealed.

22 **SECTION 36. REPEAL.** Sections 55-01-13 and 55-01-14 of the North Dakota Century  
23 Code are repealed.

24 **SECTION 37. EFFECTIVE DATE.** Section ~~38~~36 of this Act is effective December 31, 2026.

25 **SECTION 38. EXPIRATION DATE.** Section ~~8~~12 of this Act is effective through December 1,  
26 2026, and after that date is ineffective.