

Sixty-ninth
Legislative Assembly
of North Dakota

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 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,
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 43-35 and 43-36,
18 sections 50-06-05.6, 50-06.4-10, 50-11.1-25, 50-11.1-26, 50-11.1-27, 52-02-07, 54-34.3-10,
19 54-54-10, 54-59-25, 54-59-33, 54-59-34, 54-59-35, 54-59-36, 54-59-37, 54-59-38, 54-60-25,
20 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 the midwest
22 interstate passenger rail compact, prison industry advisory committee, energy policy
23 commission, medical marijuana advisory committee, onsite wastewater recycling technical
24 committee, state board of water well contractors, state board of registration for professional soil
25 classifiers, committee on aging, brain injury advisory council, early childhood council,

unemployment insurance advisory council, commission on the status of women, health information technology advisory committee, statewide longitudinal data system committee, poet laureate nominating board, rural development council, America 250 commission, atmospheric resource board, and Devils Lake outlet management advisory committee; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

Bank, the Bank shall make the loan from the revolving loan fund as provided under this section.

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

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

j. The following gubernatorial appointees:

- (1) ~~An individual representing the statewide longitudinal data system committee;~~
- (2) An individual representing tribal school interests;
- (3)(2) An individual employed as a public school administrator;
- (4)(3) An individual employed as a public school principal;
- (5)(4) An individual employed as a public elementary school teacher;
- (6)(5) An individual employed as a public secondary school teacher;
- (7)(6) A director of a special education unit; and
- (8)(7) A director of a regional education association.

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

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

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.

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

- d. Establish protocols, including procedures, for the notification of students and parents in the event of a data breach involving the statewide longitudinal data system;
- e. Require that data retention and disposition by the statewide longitudinal data system be governed by the same policies as those instituted for the information technology department;
- f. Require the provision of annual training regarding data protection to any individuals who have access to the statewide longitudinal data system, including school district employees, employees of the North Dakota university system office and institutions under the control of the state board of higher education, and elected or appointed state or local governmental officials; and
- g. Provide a report regarding the statewide longitudinal data system outlining recommendations for further development, cost proposals, proposals for legislation, and recommendations for data sharing governance.

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

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

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction or the information technology department, 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.
2. ~~The statewide longitudinal data system committee~~superintendent of public instruction may exempt a school district from having to implement and utilize the state student information system if the school district demonstrates ~~that~~:
 - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
 - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

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

3 **23-35-02.2. Public health units to adopt onsite wastewater recycling treatment guide.**

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

7 **SECTION 6. AMENDMENT.** Section 34-16-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **34-16-01. Definitions.**

10 1. "Board" means an occupational or professional board established under title 43 and
11 any other statutorily created board, commission, or council.

12 2. "Commissioner" means the labor commissioner.

13 **SECTION 7. AMENDMENT.** Section 34-16-02 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **34-16-02. Duties of commissioner.**

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

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

25 **Boards review task force.**

26 1. The commissioner shall provide staffing and administrative services to the boards
27 review task force. The task force shall:

28 a. Review and assess all boards for inefficiencies and duplication of responsibilities;

29 b. Issue performance evaluations; and

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

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

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

b. A member of the house of representatives, appointed by the house of representatives majority leader.

c. A representative of an organization representing cities, appointed by the governor.

d. A representative of an organization representing counties, appointed by the governor.

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

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

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

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

SECTION 9. AMENDMENT. Subsection 30 of section 38-14.1-02 of the North Dakota Century Code is amended and reenacted as follows:

30. ~~"Soil classifier" means a professional soil classifier as defined in subsection 4 of section 43-36-01~~ an individual who by reason of that individual's special knowledge of

1 the physical, chemical, and biological sciences applicable to soils as natural bodies
2 and of the methods and principles of soil classification as acquired by soils education
3 and soil classification experience in the formation, morphology, description, and
4 mapping of soils is qualified to practice soil classifying.

5 **SECTION 10. AMENDMENT.** Subdivision t of subsection 1 of section 38-14.1-14 of the
6 North Dakota Century Code is amended and reenacted as follows:

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

11 **SECTION 11. AMENDMENT.** Subsection 1 of section 50-06-01.4 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 1. The department includes the state hospital, the regional human service centers, a
14 vocational rehabilitation unit, public health division, and other units or offices and
15 administrative and fiscal support services as the commissioner of the department
16 determines necessary. The department must be structured to promote efficient and
17 effective operations and, consistent with fulfilling its prescribed statutory duties, shall
18 act as the official agency of the state in the discharge of the following functions not
19 otherwise by law made the responsibility of another state agency:

- 20 a. (1) Administration of programs for children and families, including adoption
21 services and the licensure of child-placing agencies, foster care services
22 and the licensure of foster care arrangements, certification of shelter care
23 services, child protection services, children's trust fund, licensure of early
24 childhood programs, refugee services, in-home community-based services,
25 quality control, and administration of the interstate compacts on the
26 placement of children and juveniles.
- 27 (2) Administration of programs to identify all available options for effectively
28 maximizing the provision of early childhood education services within the
29 state, address the coordinated utilization of facilities, personnel, and
30 transportation, for the provision of early childhood education services within
31 the state.

1 (3) Distribute grants, in the amount of two thousand dollars for each child
2 enrolled in a program of early childhood education, if the child is eligible for
3 free lunches under the Richard B. Russell National School Lunch Act
4 [42 U.S.C. 1751, et seq.], and one thousand dollars for each child enrolled
5 in a program of early childhood education, if the child is eligible for reduced
6 lunches under the Richard B. Russell National School Lunch Act [42 U.S.C.
7 1751, et seq.].

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

1 screening, diagnosis and treatment, utilization control, autism services, and
2 claims processing.

3 g. Administration of general assistance.

4 h. Administration of child support.

5 i. Administration of program, services, and licensing outlined in title 23 and other
6 previous duties of the state department of health and state health council.

7 j. Administration of a program to improve the quality of life for an individual with
8 brain injury and the individual's family through brain injury awareness, prevention,
9 research, education, collaboration, support services, and advocacy.

10 **SECTION 12. AMENDMENT.** Section 52-02-02 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **52-02-02. Powers, duties, organization, and methods of procedure of bureau - Seal.**

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

21 **SECTION 13. AMENDMENT.** Section 52-02-08 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **52-02-08. Bureau and ~~advisory councils~~ to take steps to stabilize employment.**

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

26 1. Reduce and prevent unemployment.

27 2. Encourage and assist in the adoption of practical methods of career and technical
28 education training, retraining, and career development counseling.

29 3. Investigate, recommend, advise, and assist in the establishment and operation, by
30 municipalities, counties, school districts, and the state, of reserves for public works to
31 be used in times of business depression and unemployment.

1 4. Promote the re-employment of unemployed workers throughout the state in every
2 other way that may be feasible.

3 5. Carry on and publish the results of investigations and research studies.

4 **SECTION 14. AMENDMENT.** Subsection 1 of section 54-07-01.2 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1,
7 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,
8 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
9 members of the following boards and commissions must, subject to the limitations of
10 this section, be considered to have resigned from such boards and commissions
11 effective January first of the first year of each four-year term of the governor:

12 a. The aeronautics commission.

13 b. The milk marketing board.

14 c. The dairy promotion commission.

15 d. The state banking board.

16 e. The state credit union board.

17 f. The advisory board of directors to the Bank of North Dakota.

18 g. The pardon advisory board.

19 h. The state parole board.

20 i. The state board of public school education.

21 j. The education standards and practices board.

22 k. The board of trustees of the teachers' fund for retirement.

23 l. The state game and fish advisory board.

24 m. The environmental review advisory council.

25 n. The board of animal health.

26 o. The administrative committee on veterans' affairs.

27 p. ~~The committee on aging.~~

28 q. ~~The commission on the status of women.~~

29 r. The North Dakota council on the arts.

30 s. ~~q.~~ The state historical board.

31 t. ~~r.~~ The state water commission.

1 **SECTION 15. AMENDMENT.** Section 54-54-05 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **54-54-05. Duties of council.**

4 The duties of the council are:

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

20 **SECTION 16. AMENDMENT.** Section 54-59-26 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **54-59-26. Health information technology office - Duties - Loan and grant programs.**

- 23 1. The health information technology office is created in the department. ~~The health-~~
24 ~~information technology advisory committee shall make recommendations to the health-~~
25 ~~information technology office for implementing an interoperable health information-~~
26 ~~infrastructure that is consistent with emerging national standards; promote the~~
27 ~~adoption and use of electronic health records and other health information-~~
28 ~~technologies; and promote interoperability of health information systems for the~~
29 ~~purpose of improving health care quality, patient safety, and the overall efficiency of~~
30 ~~health care and public health services.~~

- 1 2. The health information technology office director, ~~in collaboration with the health-~~
2 ~~information technology advisory committee~~, shall:
- 3 a. Apply for federal funds that may be available to assist the state and health care
4 providers in implementing and improving health information technology.
- 5 b. Implement and administer a health information exchange that utilizes information
6 infrastructure and systems in a secure and cost-effective manner to facilitate the
7 collection, storage, and transmission of health records.
- 8 c. Adopt rules under chapter 28-32 for the use of health information, use of the
9 health information exchange, and participation in the health information
10 exchange.
- 11 d. Adopt rules under chapter 28-32 for accessing the health information exchange
12 to ensure appropriate and required privacy and security protections and relating
13 to the authority of the director to suspend, eliminate, or terminate the right to
14 participate in the health information exchange.
- 15 e. Establish a health information technology planning loan program to provide
16 low-interest loans to health care entities to assist those entities in improving their
17 health information technology infrastructure under section 6-09-43.
- 18 f. Facilitate and expand electronic health information exchange in the state, directly
19 or by awarding grants.
- 20 g. Establish an application process and eligibility criteria for and accept and process
21 applications for loans and grants under subdivisions e and f. The eligibility criteria
22 must be consistent with federal requirements associated with federal funds
23 received under subdivision a. The eligibility criteria for loans under subdivision f
24 must include a requirement that the recipient's approved health information
25 technology be strategically aligned with the state's health information technology
26 plan and the associated federal standards and that the recipient has passed an
27 onsite electronic medical record readiness assessment conducted by an
28 assessment team determined by ~~the health information technology advisory-~~
29 ~~committee~~ and the health information technology office director.

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

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

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

SECTION 17. AMENDMENT. Section 54-59-27 of the North Dakota Century Code is amended and reenacted as follows:

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

1. There is created an electronic health information exchange fund. The fund consists of moneys deposited in the fund from federal or other sources or moneys transferred into the fund as directed by the legislative assembly. The health information technology office shall administer this fund and shall distribute moneys in the fund accordingly. The moneys in the fund must be used to facilitate and expand electronic health information exchange. Moneys in the fund may be used, subject to legislative appropriations, to provide services directly, for grants as provided under this section, and for the costs of administration of the fund.
2. A grant applicant shall submit an application to the health information technology office, which shall determine the applicant's eligibility based upon criteria established by the health information technology office director ~~in collaboration with the health information technology advisory committee.~~

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

5 **SECTION 18. AMENDMENT.** Section 54-59-39 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-59-39. State agencies - Mandatory provision of information - Confidentiality.**

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

23 **SECTION 19. AMENDMENT.** Section 61-03-01.3 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **61-03-01.3. Director - State engineer - Powers and duties.**

- 26 1. The director shall:
27 a. Enforce all rules adopted by the department;
28 b. Hire a state engineer who is a qualified professional engineer, has appropriate
29 hydrology experience, and will report to the director;
30 c. Hire other employees as necessary to carry out the duties of the department and
31 director;

- 1 d. Organize the department in an efficient manner; and
- 2 e. Take any other action necessary and appropriate for administration of the
- 3 department.
- 4 f. Adopt rules to regulate water well contractors.
- 5 g. Advise the governor and the state water commission regarding operations of
- 6 Devils Lake outlets.
- 7 h. Recommend criteria for operation of each outlet based on outflow volumes, water
- 8 quality considerations, and the risk of an overflow of Devils Lake.
- 9 2. The state engineer is responsible for and shall manage the department's oversight of
- 10 dam safety, water appropriations, and construction and drainage permits, and
- 11 associated technical duties related to public safety and property protection.

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

14 **61-04.1-03. Definitions.**

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

- 16 1. ~~"Board" means the North Dakota atmospheric resource board which, in the exercise of~~
- 17 ~~the powers granted under this chapter, has all of the powers of an administrative~~
- 18 ~~agency as defined in chapter 28-32.~~
- 19 2. "Controller" refers to any licensee duly authorized in this state to engage in weather
- 20 modification operations.
- 21 ~~3.2.~~ "Geographical region" means a geographical area with a contiguous boundary that
- 22 may enclose a portion of any county or counties.
- 23 ~~4.3.~~ "Hail suppression" refers to the activation of any process that will reduce, modify,
- 24 suppress, eliminate, or soften hail formed in clouds or storms.
- 25 ~~5.4.~~ "Increasing precipitation" refers to the activation of any process that will actually result
- 26 in greater amounts of moisture reaching the ground in any area from a cloud or cloud
- 27 system than would have occurred naturally.
- 28 ~~6.5.~~ "Initiating precipitation" refers to the process of causing precipitation from clouds which
- 29 could not otherwise have occurred naturally or inducing precipitation significantly
- 30 earlier than would have occurred naturally.

1 7-6. "Operation" means the performance of any weather modification activity undertaken
2 for the purpose of producing or attempting to produce any form of modifying effect
3 upon the weather within a limited geographical area or within a limited period of time.

4 8-7. "Research and development" means exploration, field experimentation, and extension
5 of investigative findings and theories of a scientific or technical nature into practical
6 application for experimental and demonstration purposes, including the experimental
7 production of models, devices, equipment, materials, and processes.

8 9-8. "Weather modification" means and extends to the control, alteration, and amelioration
9 of weather elements, including man-caused changes in the natural precipitation
10 process, hail suppression or modification, and alteration of other weather phenomena,
11 including clouds, temperature, wind direction, and velocity, and the initiating,
12 increasing, decreasing, and otherwise modifying by artificial methods of precipitation in
13 the form of rain, snow, hail, mist, or fog through cloud seeding, electrification, or by
14 other means to provide immediate practical benefits.

15 40-9. "Weather modification authority" means the governing body created by a board of
16 county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27,
17 61-04.1-29, or 61-04.1-31.

18 **SECTION 21. AMENDMENT.** Section 61-04.1-09 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **61-04.1-09. ~~Board~~Department of water resources to establish research and**
21 **development program - Hail suppression pilot program.**

22 1. The ~~board~~department of water resources shall establish a program of weather
23 modification research and development in this state. The ~~board~~department shall
24 supervise and coordinate all research and development activities in the state or
25 research and development activities outside of the state participated in or conducted
26 by any state institution or state or county agency.

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

30 **SECTION 22. AMENDMENT.** Section 61-04.1-12 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **61-04.1-12. Exemptions.**

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

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

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

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

13 **61-04.1-14. Issuance of license - Fee.**

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

- 17 1. Pays a license fee of fifty dollars.
18 2. Demonstrates competence to engage in weather modification operations, to the
19 satisfaction of the ~~board~~department.
20 3. Designates an agent for the service of process pursuant to section 61-04.1-13 or
21 chapter 10-19.1.

22 Each license issued by the ~~board~~department is nontransferable and ~~shall expire~~expires
23 on December thirty-first of the year of issuance. A license ~~shall be~~is revocable for cause at any
24 time prior to such date if, after holding a hearing upon due notice, the ~~board~~department
25 determines ~~determined~~determines that cause for revocation exists. License fees collected by the
26 ~~board~~department ~~shall~~must be paid into the general fund in the state treasury.

27 **SECTION 24. AMENDMENT.** Section 61-04.1-15 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **61-04.1-15. Revocation or suspension of license.**

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

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

7 **SECTION 25. AMENDMENT.** Section 61-04.1-16 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **61-04.1-16. Permit required - Issuance of permit - Fee.**

- 10 1. A weather modification permit ~~shall be~~is required for each geographical area, as set
- 11 out in the operational plan required by subdivision b, in which a person intends to
- 12 conduct weather modification operations. Each permit issued by the ~~board~~department
- 13 ~~shall expire~~of water resources expires on December thirty-first of the year of
- 14 issuance. A person applying for a weather modification operational permit shall file an
- 15 application with the ~~board~~department, in such form as the ~~board~~department
- 16 ~~prescribes~~prescribes, which application ~~shall~~must be accompanied by an
- 17 application fee of twenty-five dollars and contain such information as the
- 18 ~~board~~department, by rule, may require, and in addition, each applicant for a permit
- 19 shall:
 - 20 a. Furnish proof of financial responsibility as provided by section 61-04.1-19.
 - 21 b. Set forth a complete operational plan for the proposed operation which ~~shall~~must
 - 22 include a specific statement of its nature and object, a map of the proposed
 - 23 operating area which specifies the primary target area for the proposed operation
 - 24 and shows the area that is reasonably expected to be affected by such operation,
 - 25 a statement of the approximate time during which the operation is to be
 - 26 conducted, a list of the materials and methods to be used in conducting the
 - 27 operation, and such other detailed information as may be needed to describe the
 - 28 operation.
- 29 2. The ~~board~~department may issue the permit if it determines that:
 - 30 a. The applicant holds a valid weather modification license issued under this
 - 31 chapter.

- b. The applicant has furnished satisfactory proof of financial responsibility in accordance with section 61-04.1-19.
- 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, welfare, or the environment.
 - (3) Will not adversely affect another operation for which a permit has been issued.
- e. The applicant has North Dakota workforce safety and insurance coverage for all employees working in this state.
- f. The applicant has furnished a performance bond as required by section 61-04.1-34.
- 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~~department.
- h. The applicant has furnished a bid bond.
- i. The applicant has registered, with the North Dakota aeronautics commission, any aircraft intended to be used in connection with the operation.

To carry out the objectives and purposes of this chapter, the ~~board~~department 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~~department.

3. The ~~board shall~~department may 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~~department must be paid into the general fund of the state treasury.

1 **SECTION 26. AMENDMENT.** Section 61-04.1-17 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **61-04.1-17. Hearings.**

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

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

13 **61-04.1-18. Revocation, suspension, or modification of permit.**

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

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

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

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

1 **SECTION 28. AMENDMENT.** Section 61-04.1-19 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **61-04.1-19. Proof of financial responsibility.**

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

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

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

14 **61-04.1-20. BoardDepartment of water resources may create operating districts -**
15 **Representation of noncontracting counties.**

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

25 **SECTION 30. AMENDMENT.** Section 61-04.1-21 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **61-04.1-21. District operations advisory committees created - Duties.**

- 28 1. There must be a district operations advisory committee in each operations district
29 created in accordance with section 61-04.1-20. Each committee must be composed of
30 one commissioner of the weather modification authority, if a weather modification
31 authority exists, from each county within the district; a representative of each person

contracting for a geographical region assigned to the district; and one member of the board of county commissioners from each county assigned to the district. Each advisory committee, upon majority vote, with the concurrence of the ~~board~~department of water resources, shall adopt rules and bylaws necessary to govern that committee's procedures and meetings. Each committee shall evaluate weather modification operations within that committee's district and make recommendations and proposals to the ~~board~~department concerning these operations.

2. The weather modification authority of any county authorized to contract for weather modification operations under this chapter which is not assigned to an operations district shall assume the functions of the district operations committee and may exercise the powers and duties assigned to the operations committees by this chapter and by the rules of the ~~board~~department.

SECTION 31. AMENDMENT. Section 61-04.1-33 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-33. Bids required - When.

~~Whenever~~If the board shall undertake to contractdepartment of water resources contracts with any licensed controller in an amount in excess of ten thousand dollars in any one year, the ~~board~~department 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 office of management and budget. The ~~board shall~~department may not enter into ~~nea~~ 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 32. AMENDMENT. Section 61-04.1-34 of the North Dakota Century Code is amended and reenacted as follows:

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

Before the ~~board shall contract~~department of water resources contracts with any controller, ~~it~~the department shall require the controller to furnish a surety bond or cash or negotiable securities for the faithful performance of the contract in such amount as determined by the ~~board~~department, conditioned that the licensee and the licensee's agents will in all respects faithfully perform all weather modification contracts undertaken with the ~~board~~department and

1 will comply with all provisions of this chapter and the contract entered into by the
2 ~~board~~department and the licensee.

3 **SECTION 33. AMENDMENT.** Section 61-04.1-37 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **61-04.1-37. Liability of controller.**

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

20 **SECTION 34. AMENDMENT.** Section 61-04.1-38 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **61-04.1-38. ~~Board~~Department of water resources may receive and expend funds.**

23 The ~~board~~department of water resources may receive and accept in the name of the state
24 any funds that are offered or become available from any federal grant or appropriation, private
25 gift, donation, or bequest, county funds, or funds from any other source except license and
26 permit fees, and to expend these funds for the expense of administering this chapter, and, with
27 the exception of county funds and funds from any other person contracting with the
28 ~~board~~department for weather modification operations, for the encouragement of research and
29 development in weather modification by any private person, the North Dakota state university,
30 the university of North Dakota, or any other appropriate state, county, or public agency in this
31 state by direct grant, contract, or other means.

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

14 **SECTION 35. AMENDMENT.** Section 61-04.1-39 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **61-04.1-39. Payment for weather modification - State to provide funds.**

17 Any weather modification authority or person that contracted with the ~~board~~department of
18 water resources for weather modification operations under this chapter shall appropriate to the
19 state weather modification fund the amount determined by the ~~board~~department to be
20 necessary to provide that weather modification authority or person with weather modification
21 operations. The ~~board~~department may expend, from the state weather modification fund, the
22 funds the ~~board~~department deems necessary to provide a contracting weather modification
23 authority or person with weather modification operations.

24 **SECTION 36. AMENDMENT.** Subdivision a of subsection 2 of section 65-02-03.1 of the
25 North Dakota Century Code is amended and reenacted as follows:

- 26 a. A departing member representing an employer must be replaced by a member
27 representing an employer, most of whose employees are in a different rate
28 classification than those of the employer represented by the departing member.
29 ~~The governor shall appoint the member for an employer representative from a list~~
30 ~~of three potential candidates submitted by a coordinating committee appointed by~~
31 ~~the governor, composed of representatives from the associated general~~

1 ~~contractors of North Dakota, the North Dakota petroleum council, the greater~~
2 ~~North Dakota chamber of commerce, the North Dakota motor carriers~~
3 ~~association, the North Dakota hospital association, the national federation of~~
4 ~~independent business, the lignite energy council, and other statewide business~~
5 ~~interests.~~

6 **SECTION 37. REPEAL.** Chapter 8-11.1, section 12-48-06.1, chapter 17-07, sections
7 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 43-35
8 and 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,
9 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,
10 54-60-25, 61-04.1-04, 61-04.1-05, 61-04.1-06, 61-04.1-07, 61-04.1-08, and 61-04.1-10, and
11 chapter 61-36 of the North Dakota Century Code are repealed.

12 **SECTION 38. REPEAL.** Sections 55-01-13 and 55-01-14 of the North Dakota Century
13 Code are repealed.

14 **SECTION 39. EFFECTIVE DATE.** Section 38 of this Act is effective December 31, 2026.

15 **SECTION 40. EXPIRATION DATE.** Section 8 of this Act is effective through December 1,
16 2026, and after that date is ineffective.