

2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2308

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2308
2/6/2025

Relating to a boards review task force; and to the wastewater recycling treatment guide, boards and commissions, soil classifiers, the unemployment insurance advisory council, gubernatorial appointments, the committee on aging, health information technology advisory committee, statewide longitudinal data system committee, atmospheric resource board, the department of health and human services, the council on the arts, the state engineer, the superintendent of public instruction, job service North Dakota, and workforce safety and insurance coordinating committee, the Midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee, onsite wastewater recycling technical committee, state board of water well contractors, state board of registration for professional soil 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.

2:05 p.m. Vice Chairman Castaneda called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Boards consolidation
- Consumer driven
- Essential for government function
- Dissolve 18 boards
- Create efficiency
- Task force

2:00 p.m. Senator Roers, District 27, introduced the bill.

2:06 p.m. Governor Armstrong testified in favor and submitted testimony #36000.

2:10 p.m. Reed Johnson, Legal Intern at the Governor's Office, testified favor.

2:20 p.m. Allyson Hicks, Assistant Attorney General - General Counsel Division, testified in neutral and submitted testimony #35982 and #36004.

2:33 p.m. Kirsten Baesler, Superintendent ND Department of Public Instruction, testified in favor and submitted testimony #35817 and #35818.

2:37 p.m. Corey Mock, Chief Information Officer of ND, testified in favor and submitted testimony #35925.

2:40 p.m. Reice Haase, Director Department of Water Resources, testified in favor and submitted testimony #35642.

2:42 p.m. Zachary Greenberg, Interim Commissioner ND Department of Labor and Human Rights, testified in favor and submitted testimony #35959.

2:46 p.m. Arik Spencer, President/CEO Greater North Dakota Chamber, testified in favor and submitted testimony #36016.

2:49 p.m. Ron Ness, ND Petroleum Council President, testified in favor.

2:50 p.m. Dr. Mark Hardy, Executive Director ND Board of Pharmacy, testified in favor and submitted testimony #35546.

2:54 p.m. Dr. Chris Augustine, Professional Soil Classifier, testified in opposition and submitted testimony #34396.

2:58 p.m. Perry Sullivan, Chairman of the ND Professional Soil Classifiers, testified in opposition and submitted testimony #36003.

3:18 p.m. Jim Dennis, President ND Water Well Builders Association, testified in opposition and submitted testimony #35725.

3:21 p.m. Loren DeWitt, Chairman ND Water Well Builders Association, testified in opposition.

3:24 p.m. Petro Hulm, Secretary/Treasurer of State Board of Law Examiners, testified in opposition and submitted testimony #35994.

3:33 p.m. Tom Schimelfenig, Chairman Onsite Wastewater Recycling Technical Committee, testified in opposition and submitted testimony #35714.

3:40 p.m. Troy Kuntz, Northwest Land Owners Association, testified in opposition.

3:42 p.m. James Schmidt, Executive Director of the ND State Electrical Board, testified in opposition and submitted testimony #35935.

3:44 p.m. Bruce Ellingson, President of ND Wastewater Recycling Association, testified in opposition and submitted testimony #35964.

Additional written testimony:

JoNell Bakke, Chair ND Brain Injury Advisory Council, submitted testimony in favor #35446.

Patrick Bertagnolli, Executive Director Job Service ND, submitted testimony in favor #35497.

Wayde Sick, State Director ND Department of Career and Technical Education, submitted testimony in favor #35565.

Jessica Thomasson, Executive Director Human Resources Division ND Department of Health and Human Services, submitted testimony in favor #35845.

Larry Edland, ND Board of Professional Soil Classifier, submitted testimony in opposition #33579.

Mike Ulmer, Professional Soil Classifier, submitted testimony in opposition #35667.

C.J. Heidt, Professional Soil Classifier, submitted testimony in opposition #35687.

Matthew Retka, Professional Soil Classifiers, submitted testimony in opposition #35717.

Michael Haupt, Private landowner, submitted testimony in opposition #35799.

Zachary Bartsch, Professional Soil Classifiers, submitted testimony in opposition #35854.

Daphne JohnsonClark, Protection Team Leader Upper Missouri District Health Unit, submitted neutral testimony #34585.

Erin Ourada, Administrator Western Plains Public Health, submitted neutral testimony #35548.

Lisa Otto-Westman, Director of Environmental Health First District Health Unit, submitted neutral testimony #35855.

3:46 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Senator Schaible,

I am writing to you concerning SB2308.

I feel that SB2308 as amended would affect how soils are treated in all aspects of soil interpretation. The amendment outlines the qualification needed to be identified as a soil classifier but does not identify who would vet the individual qualification. Since 1973 this has been the position of the soil classifiers board. I spent a 47 year career as a soil scientist, first with the Natural Resources Conservation Service (NRCS) which was previously known as the Soil Conservation Service (SCS); then as a private soils consultant for 14 years. Preserving the soils health has always been important to the agricultural and soil science communities, whether it was doing mine land reclamation, identifying suitable sites for waste disposal, or reclaiming oil and brine spills.

Understanding how soils functions under certain uses is very important! After working with many farmers and ranchers over the years I know how important the soil's health is to the agricultural community. Soil classifiers understand and follow the regulations established by the state in order to maintain the best possible soil's health. Passing this bill, as presented, could certainly change this quality control!

I feel retaining the Soil Classification Board sited in SB2308 would be beneficial to agriculture, conservation, and the state as a whole.

Thank you for your consideration.

Lawrence E. Edland,

Registered Soil Classifier

To: State and Local Government Senate Committee

From: Chris Augustin, Dickinson, ND

Subject: Oppose Senate Bill 2308

Good afternoon, Chairwoman Roers and members of the State and Local Government Senate Committee. For the record, I am Chris Augustin, a Dickinson resident, and certified North Dakota professional soil classifier. Thank you for this opportunity to share my perspective on Senate Bill 2308. I am not in favor of Senate Bill 2308 in its current form.

Senate Bill 2308 removes the requirement to register with the state board of registration for professional soil classifiers. The new proposed definition of a soil classifier is extremely vague and could pose safety complications from improper engineering, poor water management, and pollution hazards from insufficient soil classifiers collecting bad data.

If registration with the state board is no longer required, who sets the bar and ensures soil classification work is done properly? It is unlikely that 'self-policing' will be adequate to ensure standards are met and accountability will be lacking. The state board of registration for professional soil classifiers is comprised of well-versed soil scientists; who ensure well-trained soil classifiers are making sound recommendations in critical situations.

The standards to be a professional classifier set forth by the board are rigid, and include completing a college soils curriculum, four years of experience, and a rigorous examination. At the time of being certified, I was out of college or almost ten years. I had master's and bachelor's degrees in natural resources management and had taken several soil classes. It took me three attempts to pass the North Dakota professional soil classifier exam. That arduous process made me a much better soil scientist.

I understand and support lessening our tax burden and bureaucracy and feel that this bill does achieve that. However, the state board of registration for professional soil classifiers operates as a non-profit, does not receive tax dollars, and is self-funded. Membership dues cover all costs incurred by the professional soil classifier board. There is no cost to the state of North Dakota to have this critical service in place.

North Dakota is blessed with some of the best soils on Earth. Soils are a limited non-renewable resource since it takes 500 or more years to make an inch of topsoil. Without the professional soil classifiers, I am fearful that our soils will dwindle, livelihoods will be impacted, and people could be hurt. I ask that you do not change the definition of a professional soil classifier. Doing so will help protect North Dakota's two greatest resources which are our people and soil. Thank you for your time and consideration. I would be happy to answer any questions.

Sincerely,



Dr. Chris Augustin

Professional Soil Classifier of North Dakota #76

Testimony
To the
State and Local Government Committee
on
SB 2308

Good afternoon, Chairman Roers and members of the committee. I am Daphne JohnsonClark, Team Leader for Environmental Health Services for Upper Missouri District Health Unit and have been with UMDHU since 2003. UMDHU provides local public health services including septic system permitting to Divide, McKenzie, Mountrail, and Williams counties.

I am neutral on SB2308. I had the privilege to serve on the Onsite Wastewater Technical Committee during the interim. I feel we worked hard in a short period of time and that the work of the committee is complete enough at this time to hand it off to the North Dakota Department of Environmental Quality for adoption by local public health units. Which is addressed on page 6, line 6 under 23-35-02.2 of the Century Code.

Thank you for your time.

DATE: February 6, 2025

TO: Members of the Senate

FROM: Governor's Brain Injury Advisory Council, JoNell Bakke, Chair

RE: Testimony for Bill 2308

I am writing this Memo on behalf of the Governor's Brain Injury Advisory Council in support of Senate Bill 2308. The work that has been done by this Advisory Council has been meaningful and we have been able to establish a support network for those North Dakota Citizens who are living with brain injuries every day.

The work has included the following:

- Establishment of a state plan to address the continuing needs of individuals with Brain Injuries. This includes work groups that are addressing the major objectives on the state plan.
- Education seminars and training sessions for law enforcement, educators, social services employees and others.
- Support groups for individuals with brain injuries and their families
- Collection of data that allows us to determine where services are needed in the state.
- Discussion about the development of a brain injury register.
- Working in collaboration with other states across the country on services and training opportunities for agencies working with Brain Injury Clients.
- The establishment of the Brain Injury Network which provides on-going support to all affected by Brain Injuries.
- Grant applications to the federal government for financial assistance for our ongoing work.

It is our intent to continue the Brain Injury Advisory Council under the Department of Health and Human Services if eliminated from the Governor Appointment Council list. We feel that our work should continue in order to serve the needs of the State of North Dakota and its citizens. Our most appropriate placement would be under the Behavioral Health Division.

**Senate Bill 2308
Testimony of Pat Bertagnolli, Job Service North Dakota
Senate State and Local Government Committee
February 6, 2025**

Chairman Roers and members of the Senate State and Local Government Committee, my name is Patrick Bertagnolli, and I am the Executive Director of Job Service North Dakota (JSND). I am providing this testimony in support of the proposed amendments to SB2308 related to the State Longitudinal Data System (SLDS), specifically as outlined in Sections 17 through 20 and Subsection 11 of Section 3.

JSND administers many state and federal programs, requiring the collection and utilization of confidential information of North Dakota individuals and employers. While JSND maintains a skilled and very active Labor Market Information team that analyzes and publishes accurate and relevant workforce information, it is understood that SLDS provides longitudinal reporting by integrating data from the state education system with workforce data from JSND. My hope is that we maintain minimal duplication of effort, specifically as it relates to workforce data, the area for which JSND is the most knowledgeable entity.

The primary concern of JSND with any change to the structure of SLDS is the continuity of processes and the focus on meeting confidentiality requirements. JSND is required to follow both federal and state laws as it relates to the confidential personally identifiable information we maintain as we administer the Unemployment Insurance and Workforce programs under our charge. The federal laws are more restrictive than state law, requiring JSND to review information relating to the utilization and aggregation of the data prior to release to SLDS for research and publication.

We currently have data sharing agreements in place with the participants of SLDS and we have spent a significant amount of time educating employees of the North Dakota Information Technology Department (NDIT) on the processes and procedures necessary for the legal release and publication of information. This process of education and fine-tuning of procedures has taken a significant amount of time and at this point is operating effectively.

JSND did have concern with the original draft of SB 2308 which contained an impactful change of responsibility as it relates to the operation of the SLDS program. These concerns have been addressed with the amendments proposed here and I would recommend the approval of these amendments.

I appreciate the opportunity to provide feedback and support of the proposed amendments. Thank you for your consideration.

Patrick Bertagnolli

Executive Director, Job Service North Dakota



STATE OF NORTH DAKOTA
GOVERNOR DOUG BURGUM

**NORTH DAKOTA STATE BOARD OF PHARMACY
OFFICE OF THE EXECUTIVE DIRECTOR**

MARK J. HARDY, PHARM.D | 1838 E INTERSTATE AVE SUITE D • BISMARCK, ND 58503
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Bill No 2308 Boards Review Task Force
Senate State and Local Government Committee
2:00 PM - Thursday – February 6, 2025

Madam Chair Roers and members of the Senate State and Local Government Committee, for the record I am Mark Hardy, Executive Director of the North Dakota State Board of Pharmacy. I appreciate the opportunity to be here to testify on Senate Bill 2308.

I appreciate the sponsor's approach to this bill to take a targeted approach to streamlining and removing various entities that are creatures of the ND Century Code which are no longer necessary. Respectfully, I have two suggestions for your consideration.

First, Section 7 (page 6) is enacting language for the Labor Commissioner to engage in a study of boards during the last interim. The study was completed with a report being issued in late 2024. Given the conclusion of the study, I would suggest that that section just be stricken to remove the ambiguity in which the changes are meant to address.

The review task force proposed in Section 8 of the bill (starting on page 6) is a worthy idea to identify other areas to streamline government. I would respectfully request the considerations of the committee to add representation of the licensing boards to the task force. I would suggest board representation be in place, potentially, as a replacement for the representation identified for cities and counties, unless there is interest from those groups in participating.

Speaking from our experience during the numerous studies on licensing boards over the last few years, we feel strongly that this inclusion of boards in any review will bring intimate understanding for considerations in which this task force is charged to drive meaningful policy solutions. As an example, during the Labor Commissioner's study, the former Commissioner utilized board expertise to meaningfully look at licensing boards. That led to the policy solutions being looked at in another piece of legislation (SB2395). Without this representation and perspective, there may be misunderstandings about the implications of their decisions. I'd be happy to work on an amendment for the consideration of the committee to add this representation if desired.

We appreciate the bill sponsors bringing this legislation forward. Licensing boards serve a very important purpose for the health and safety of our citizens, helping with workforce, and functioning as some of the most accessible extensions of our government. I appreciate you hearing our testimony and I would be happy to address any questions.

Senate State and Local Government Committee

SB 2308

February 6, 2025

Chairperson Roers and members of the Senate State and Local Government Committee:

I am Erin Ourada, the administrator of Western Plains Public Health (formerly Custer Health), a five-county public health unit based in Mandan. WPPH provides local public health services to Grant, Mercer, Morton, Oliver and Sioux Counties.

I am providing neutral testimony on SB 2308 regarding Section 5 on page 6. This section relates to an amendment of NDCC 23-35-02.2 and moves public health unit septic system regulations from the onsite wastewater recycling technical committee to the department of environmental quality. I had the privilege of serving on this committee from December 2021-June 2023. I feel the committee has accomplished what it is able to accomplish, and the work can be moved to a state agency at this time.

Thank you for your time.

Respectfully submitted by,

Erin Ourada, MPH, REHS/RS
403 Burlington St SE
Mandan, ND 58554
701-667-3370



Senate State and Local Government

SB2308

February 6, 2025

Chair Roers and members of the Senate State and Local Government Committee. My name is Wayde Sick, and I serve as the State Director for the Department of Career and Technical Education. I am submitting testimony in support of the SB2308.

NDCTE is in favor of proposed amendments to SB2308, in reference to authority over the State Longitudinal Data System. The amendments I am referencing would strike language in Section 3 of the bill that provides the Superintendent of Public Instruction authority over the SLDS. The other amendment NDCTE is in support of is in Section 17, that would place the authority of the SLDS under the State's Information Technology Department (NDIT).

Since NDIT is well versed in the policies that have directed the SLDS Committee since its creation, it is best positioned to provide oversight of the SLDS. I am confident NDIT will follow the policies and processes that have been established.

I ask that SB2308 is amended to best support the SLDS and the Agencies that utilize it and give it a Do Pass recommendation.

This concludes my testimony.

TESTIMONY OF

Reice Haase, Director, Department of Water Resources

Chair Roers, and members of the Senate State and Local Government Committee, I am Reice Haase, the Director of the Department of Water Resources (DWR). I'm here today to provide testimony in support of Senate Bill 2308.

Senate Bill 2308, in part, repeals North Dakota Century Code (N.D.C.C.) ch. 43-35 related to the State Board of Water Well Contractors. The bill also repeals the North Dakota Atmospheric Resource Board and the Devils Lake Outlet Management Advisory Committee.

The Board of Water Well Contractors regulates water well contractors, pump and pitless installers, and geothermal system contractors. The board consists of seven members, including a Department of Environmental Quality (DEQ) representative, a DWR representative, and five governor-appointed members.

The Board's Executive Officer, who is also the Board's DWR representative, oversees budgeting, licensing, renewals, testing, well driller report filings, continuing education tracking, public complaints regarding contractors, and two part-time employees—an administrative assistant and field representative.

N.D.C.C. ch. 43-35 has sections requiring Board licensed contractors to adhere to construction standards outlined in DEQ rules for water wells, pump and pitless units and monitoring wells. Additionally, geothermal system contractors are required to adhere to construction standards adopted under State Geologist rules.

The Board's statutory authorities regarding non-compliance and enforcement with DEQ and the State Geologist regulations seem best reserved for those agencies, and not DWR.

Therefore, DWR respectfully requests the adoption of the amendment presented by Ms. Allyson Hicks which replaces 'regulate' with 'license', to properly reflect the DWR role (page 17, line 13).

The Devils Lake Outlet Management Advisory Committee consists of 17 members and makes recommendations to DWR regarding the operation of the Devils Lake outlets. The outlets are managed by the department to manage the level of Devils Lake and mitigate the risk of future flooding. DWR is committed to working with stakeholders and soliciting feedback, and the department can accomplish this work without a formal board.

The North Dakota Atmospheric Resources Board consists of 10 members and its primary function is to license weather modification contractors and to permit cloud seeding operations. The board operates under the supervision of DWR. SB 2308 would eliminate the board and would place those responsibilities under the department.

Thank you for your time, and I would be more than willing to answer any questions the committee may have.

To: State and Local Government Senate Committee
 Subject: Oppose Senate Bill 2308

I am writing in opposition to portions of Senate Bill 2308, specifically the language related to the registration of Professional Soil Classifiers. The law regulating Professional Soil Classifiers in the state has been in place for over 50 years. It was originally designed to help protect our soil resources and throughout the years has been successful in that accord. The Soil Classifiers law was modelled after the Professional Engineers requirements and requires an individual to have extensive experience, references, and rigorous testing prior to becoming a Professional Soil Classifier. These strict requirements go beyond a simple professional association and have assured the public and industry that individuals practicing soil classification are qualified to do the best work possible. Some of the activities Professional Soil Classifiers have been involved in for industry include the development of a pre-mine high intensity soil survey for the coal mining companies. This detailed soil survey helps assure reclamation success and is a requirement of the Public Service Commission for the permitting process. Similarly, a high intensity soil survey is required by the Department of Environmental Quality prior to permitting landfills in the state. Both of these processes assure the public that our soil resources are protected. Although high intensity soil surveys are required by certain agencies as part of the permitting process, other industries use Professional Soil Classifiers voluntarily as part of their best management practices. For instance, the Red River Valley Water Supply Project requires Professional Soil Classifiers be involved in the identification and stripping of topsoil and subsoil along their pipeline route. This is to assure landowners that restoration of the pipeline corridor will be done correctly. And finally, Soil Classifiers have helped individual landowners with issues and concerns related to their soils, such as assisting farmers with drainage or salinity issues or homeowners in siting septic drain fields. Over the 50 years since the enactment of the Soil Classifiers law, there have been other attempts to modify or eliminate it. The legislature in the previous cases has always recognized the importance and need for a cadre of soil scientists that meet the requirement of a Professional Soil Classifier. I urge you to continue with this precedent and eliminate the portion of the bill that relates to Professional Soil Classifiers. Increasing the efficiency of government is an admirable goal that should be seriously addressed. However, the registration of soil classifiers is budget neutral for the state and eliminating the board of registration would not save the government money but would increase the potential for misuse of our soil resource. Thank you, Mike Ulmer, Professional Soil Classifier, No. 58

To: State and Local Government Senate Committee

Subject: Oppose Senate Bill 2308

Just as a brief personal background: I have been a Registered Professional Soil Classifier since 1974, receiving BS and MS degrees from NDSU in Soil Science. I have done soil classification work throughout the state and region as a Soil Scientist with the Natural Resource Conservation Service and NDSU for 35 years. In addition, I have done so as a private company (Prairie Soil Consulting, LLC) since 2006. In this capacity we have performed High Intensity Soil Surveys for well over 100,000 acres for mined land and landfill reclamation, 1,000's of wetland determinations for private landowners and government agencies, and have assisted well over 1,000 homeowners and developers with siting septic drain fields.

I am writing in opposition to portions of Senate Bill 2308, specifically the language related to the registration of Professional Soil Classifiers. The law regulating Professional Soil Classifiers in the state has been in place for over 50 years. It was originally designed to help protect our soil resources and throughout the years has been successful in that accord. The Soil Classifiers law was modelled after the Professional Engineers requirements and requires an individual to have extensive experience, references, and rigorous testing prior to becoming a Professional Soil Classifier. These strict requirements go beyond a simple professional association and have assured the public and industry that individuals practicing soil classification are qualified to do the best work possible.

Some of the activities Professional Soil Classifiers have been involved in for industry include the development of a pre-mine high intensity soil survey for the coal mining industry. This detailed soil survey helps assure reclamation success and is a requirement of the Public Service Commission for the permitting process. Similarly, a high intensity soil survey is required by the Department of Environmental Quality prior to permitting landfills in the state. Both of these processes assure the public that our soil resources are protected.

Although high intensity soil surveys are required certain agencies as part of the permitting process, other industries use Professional Soil Classifiers voluntarily as part of their best management practices. For instance, the Red River Valley Water Supply Project requires Professional Soil Classifiers be involved in the identification and stripping of topsoil and subsoil along their pipeline route. This is to assure landowners that reclamation of the pipeline corridor will be done correctly. They have also been extensively involved in wetland determinations as required by state and federal agencies for highway and road projects. Additionally, they have assisted landowners in contesting or confirming federal wetland determinations. And finally, Soil Classifiers have helped individual landowners with other issues and concerns related to their soils, such as assisting farmers with drainage or salinity issues or homeowners in siting septic drain fields. No other professions or nonprofessionals have the knowledge or experience to interpret the soils and landscapes for these uses.

Over the 50 years since the enactment of the Soil Classifiers law, there have been other attempts to modify or eliminate it. The legislature in the previous cases has always recognized the importance and need for a cadre of soil scientists that meet the requirement of a Professional Soil Classifier.

Increasing the efficiency of government is an admirable goal that should be seriously addressed. However, the registration of soil classifiers is budget neutral for the state and eliminating the Board of Registration would not save the government money but would increase the potential for misuse of our soil resource.

Thank you,

C. J. Heidt, Professional Soil Classifier,

February 5, 2025

**Senate State and Local Government Committee
SB 2308**

Good afternoon Madam Chair Roers and Members of the Committee:

My name is Tom Schimelfenig. I've been in the onsite wastewater industry for 47 years, and I've been licensed by the N.D. State Plumbing Board for 38 years.

I also currently serve as chairman of the Onsite Wastewater Recycling Technical Committee (OWRTC), established in N.D. Century Code during the 2021 legislative session. This is one of the committees that stand to be removed from service should this bill pass.

I am here to testify IN OPPOSITION to SB 2308.

I have been licensed through the North Dakota State Plumbing Board since 1987, the year the North Dakota Sewer and Water Service Code was first adopted. That document, 43-18.2 Rules and Regulations of Sewer and Water Installation, continues to guide our industry's practices today. It was derived from the Uniform Plumbing Code (UPC), which has been in existence for 80 years. The UPC was established by the The International Association of Plumbing and Mechanical Officials, a technical expert on plumbing and mechanical issues since 1926.

The OWRTC was tasked with developing a similar uniform code, this one to guide the design and installation of onsite wastewater systems across the state of North Dakota. The legislature also asked us to build a licensing program for installers. There is still work to be done, as there is no code in place or licensing program established.

I understand and respect that there may come a time when this committee is no longer necessary, and at that time I would support legislation such as SB 2308. After all, I support the sponsors aim to lessen our tax burden and minimize bureaucracy. However, the OWRTC is not funded by taxpayers other than a very minimal amount to cover mileage for committee members to travel. I respectfully ask that the legislature give onsite wastewater system installers the opportunity to finish the job we were tasked with doing.

I appreciate your time and consideration, and I am willing to answer any questions you may have.

Tom Schimelfenig
4380 7th St NE
Bowdon, ND 58418
(701) 650-8792

tompeggy@daktel.com

Testimony-SB 2308**February 5, 2025**

Chair Roers and members of the Committee, my name is Mat Retka. I serve as Secretary & Treasurer with the North Dakota Board of Registration for Professional Soil Classifiers (NDBRPSC) but am writing to you as a concerned citizen and professional opposed to SB 2308.

My story is a testament that those willing to work towards soil classifier registration in North Dakota will find themselves doing important work. I was first exposed to soil science as freshman student at NDSU in 2010 and became more and more interested in soil science, ultimately making it the focus of my undergraduate degree. After college, I witnessed the technical expertise and passion for soil science shared by Professional Soil Classifiers and aspired to join their ranks. After gaining the prerequisite years of experience and much studying for the practical exam, I received my Professional Soil Classifier registration in 2015 at the age of 27. I am now employed by a private engineering company, and have hired and helped mentor another other soil classifier who received registration in 2023.

Soil Classifiers provide valuable services throughout the state, including work with landfills, wetlands, soil survey, septic system assessment, and mine land reclamation. Many aspects of soil classification require hands-on experience within a specific region, and the NDBRPSC ensures soil professionals working in North Dakota are qualified to conduct this work.

The NDBRPSC was established in the early 1970's under NDCC 43-36 and the profession remains relevant today. Eliminating the NDBPSC, as SB2308 would effectively serve to do, would allow any person with "special knowledge" to practice soil classification under the new proposed definition in 38-14.1-14 and would discredit the work currently being conducted by pre-qualified individuals. I see no merit in eliminating the current professional accreditation that the NDBRPSC administers, as soils and soil classification remains as important now as it did 50 years ago when the registration board was founded.

North Dakota's vibrant agricultural industry is literally rooted in our soils, and our soils acts as the primary filter for protecting our state's water quality. I ask the committee to consider the ramifications to this Bill, that as written, would weaken a profession that serves to help properly manage and maintain one of our State's most important resources-our Soil.

Matt Retka



To: ND 69th Legislative Assembly of North Dakota – regarding Senate Bill 2308

We, the undersigned, which constitute a portion of the licensed water well Driller's and licensed pump installers of North Dakota, do hereby object to abolishing the ND Board of Water Well Contractors.

We need a voice of representation in the state government to whom we can voice our concerns or suggest common sense rules to govern the water well industry and the Board of Water Well Contractors is presently that voice.

If the object of this bill is to cut waste out of government, and we believe that is the goal, we completely agree with that goal. Our board, however, which is self-funded, is not wasteful and should not be cut.

however, which is self-funded, is not wasteful and should not be cut.
Representing North Dakota Well Drillers Association
Signed, James E. Nunn - 10240 HWY 10, Gladstone, ND 58630

Signed, James E. Morris -10240 HWY 10, Glendale, ND 58030

Jeffrey, Arroyo, Arroyo, Arroyo, Arroyo 3484 1144 AVE SW Dickinson ND.

[illegible]

Michael L Haupt, Private Landowner Mercer County, written testimony in opposition to

SB2308 Relating to Boards – Professional Soil Classifiers

State and Local Government Committee

I am a retired Land Management Professional formerly with the ND Department of Trust Lands (NDDTL). My educational and work background is Wildlife, Botany, Soils, Rights of Way and Reclamation. The Professional Soil Classifiers have been and continue to be very important to the management of this precious natural resource that we, unfortunately, refer to as “dirt.” Listed below are specific events that the Professional Soil Classifiers have contributed to the Department of Trust Lands that increased the income to the School Trust and to the NW Landowners group on SB2313 dealing with soil reservation and reclamation of disturbed energy sites.

- 1) The Professional Soil Classifiers completed and published the soil surveys for all 53 counties in North Dakota with nearly every county containing School Trust Land.
- 2) Using the soils productivity information for each soil in every county the NDDTL created a productivity rating for each quarter section of Trust Land in order to set rental rates at public auction that mirror the private land leasing market in ND. This resulted in increased income to the School Trust Fund.
- 3) The NDDTL also uses the soil productivity of each quarter section to determine its agricultural land value in order to balance the diversified portfolio of School Trust investments.
- 4) The NDDTL also uses the soils survey to determine Suitable Plant Growth Material (SPGM) reservation volumes for energy projects that disturb the surface of School Trust lands.
- 5) The agricultural real estate industry in ND utilizes the soil productivity ratings for the various types of soils on the property they are selling. This is important to the realtors, farmers and ranchers that are selling the property and those that are contemplating a purchase.
- 6) The Professional Soils Classifiers are also available to consult with cities, counties, industry and students across the state for information on soils that may be located on a project, development area or for education on soils.
- 7) This legislative session, the NW Landowners are proposing SB2313 dealing with the final reclamation of facilities built on private land for oil, gas and CO2 in ND. This proposal would utilize the digital soil survey and the Professional Soil Classifiers to train existing employees of the DMR-Oil and Gas Division to recognize and determine a Suitable Plant Growth Material (SPGM) volume for stockpiling and use in final reclamation of these facilities.
- 8) The Professional Soils Classifiers also conduct continuous educational events at schools so students learn the value of soils and the impact of soils on their lives.

Please keep the Board of Professional Soils Classifiers, they remain a valuable asset to the NDDTL, NW Landowners Association, private landowners, and this great soil resource of our state! Thank you.

Future System

Effective July 1, 2026



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

NDDPI ICSE
Infinite Campus State Edition
(Former STARS and SIS Combined)

Appropriate Student, Teacher Data,
and Course Code Flows to SLDS to join
HHS, Higher Ed, and Workforce Data

SLDS

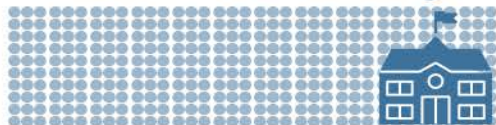
≡ HHS ○	≡ CTE ○	≡ HE ○	≡ WF ○	≡ K12 ○
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School Approval and Foundation Aid
Payments Calculated in ICSE
then Delivered to Districts

Schools Feed Teacher and
Student Data and Course
Codes to ICSE

North Dakota Schools

Info from 480+ Buildings



TESTIMONY ON SB 2308
Senate State and Local Government Committee
February 06, 2025
By: Kirsten Baesler, State Superintendent
701-328-4570
North Dakota Department of Public Instruction

Chair Roers and Members of the Committee:

My name is Kirsten Baesler, and I am the North Dakota State Superintendent.
I am here to speak in favor of SB 2308 as amended.

The Statewide Longitudinal Data System (SLDS) was designed to bring together data from multiple state agencies in a way that ensures privacy, security, and meaningful analysis. From its inception, North Dakota Information Technology (NDIT) was designated as the appropriate host for SLDS, serving as a neutral third party responsible for managing and curating the data.

As agencies contribute their respective data sets to the SLDS, NDIT's role is not to own the data, but to facilitate its secure use in generating insights that inform decision-making. For example, NDDPI provides data on K-12 graduates, which can then be matched with North Dakota University System (NDUS) data to analyze how our students are performing at the post-secondary level. This process allows K-12 stakeholders to access results without exposing the underlying NDUS data, ensuring both privacy and integrity.

The amendments to SB 2308 do not change existing requirements for interagency agreements or data governance. Instead, they strengthen NDIT's role as the neutral entity overseeing SLDS operations, ensuring consistency, reliability, and accountability in how data is managed and used across agencies.

The original language of the bill designated the State Superintendent as the entity responsible for SLDS. While I take great pride in my role overseeing North Dakota's K-12 education system, the SLDS is designed to serve multiple agencies, not just K-12. It is essential that the responsibility for SLDS governance is placed with the entity best positioned to manage and integrate cross-agency data—NDIT. The amendments to SB 2308 ensure that responsibility is correctly aligned with the agency best equipped to fulfill this role.

I have included with my testimony a graph outlining the K-12 data flow into the SLDS system beginning in July 2026, which further illustrates the structured process for securely integrating and utilizing education data within the system.

Chair Roers and Members of the Committee, thank you for your time and attention. I appreciate your thoughtful consideration of this bill, and I welcome any questions you may have.

Kirsten Baesler

State Superintendent

North Dakota Department of Public Instruction



Testimony
Senate Bill No. 2308
Senate State and Local Government Committee
Senator Kristin Roers, Chairman
February 6, 2025

Chairman Roers and members of the Senate State and Local Government Committee, I am Jessica Thomasson, Executive Director of the Human Services Division with the Department of Health and Human Services (Department). I appear before you in support of Senate Bill No. 2308 and the proposed amendments.

The Department supports efforts to streamline processes, including committee infrastructure. The proposed amendment addresses the need to maintain committees as required for North Dakota to maintain compliance with federal funding requirements for both Older Americans Act and Head Start funding. The amendment also addresses operational considerations related to the ongoing work of the State Longitudinal Data System in ways that should enable continued inter-agency collaboration.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

To: State and Local Government Senate Committee

From: Zach Bartsch, Fargo, ND

Subject: Oppose Senate Bill 2308

Good afternoon, Chairwoman Roers and members of the State and Local Government Senate Committee. My name is Zach Bartsch, of Fargo, a farmer, and the most recent North Dakota Professional Soil Classifier. Thank you for taking the time for the public to provide testimony regarding Senate Bill (SB) 2308. For the record, I oppose SB2308 in its current form.

Strength from the Soil. I first found an appreciation for our state's soil helping my grandpa farm, an experience I share with many of my fellow citizens in North Dakota. In college, I knew I wanted to have an education that focused on our natural resources and was particularly drawn to soil due to agriculture and its complex interactions with the world. My graduate research in Soil Science focused on reclaiming soils following contamination from oil spills in the Bakken. Now, I am a fourth generation farmer and practicing soil classifier after gaining the adequate work experience and technical skills on the job. I owe a great deal of gratitude to my mentor and fellow professional soil classifier, Matt Retka. He and the seventy-six others who have provided priceless work towards understanding and protecting the source of North Dakota's strength- its soil.

In fact, for over fifty years, the North Dakota Professional Soil Classifiers have provided valuable services throughout the state. Importantly, they survey and assure adequate topsoil is identified for the development of landfills and surface coal mines. This helps improve mine reclamation and reduces the complications landowners experience when farming the reclaimed land. Additionally, soil classifiers assist in wetland delineations and siting soil septic systems, helping protect healthy surface and groundwater sources. Many aspects of this work require hands-on experience within the region and support the requirements of the current North Dakota Board of Professional Soil Classifiers rules.

In its proposed language, the definition of a qualified soil scientist is too vague and does not provide a way to vet one's experience with soils. It appears anyone can claim "special knowledge" of soil classification in order to provide services in the state, effectively jeopardizing the quality of the work being conducted by current registered soil classifiers. Self-policing does not work, nor does this proposed bill suggest any method of verifying one's claims of "special knowledge".

I request the committee reconsiders SB2308 as proposed, in order to protect our state's soil knowledge, soil as a resource, citizens' health, and energy and waste management success.

Respectfully submitted,

Zach Bartsch, North Dakota Professional Soil Classifier #78

Testimony

State and Local Government Committee

SB 2308

February 6, 2025

Chairperson Roers and members of the committee, I am Lisa Otto-Westman, Director of Environmental Health for First District Health Unit in Minot which provides Environmental Health Services, including septic system permitting, to 7 counties: Bottineau, Burke, McHenry, McLean, Renville, Sheridan, and Ward.

I am neutral on SB 2308, specifically Section 5 on page 6. I have had the privilege of serving on the Onsite Wastewater Recycling Technical Committee during the interim. This committee took on the task of producing a statewide guide for onsite wastewater systems. Significant progress was made and has reached a point to relinquish the guide to the North Dakota Department of Environmental Quality. This step will facilitate the statewide adoption by local public health authorities.

Thank you for your time,

Respectfully submitted,

Lisa Otto-Westman, EHP, RS/REHS
Director of Environmental Health
First District Health Unit
Minot, ND



February 6, 2025

Senate State and Local Government Committee

Honorable Kristen Roers, Chair

North Dakota State Capitol, Peace Garden Room

RE: SB 2308 – Support testimony presented by Corey Mock, Chief Information Officer

Madam Chair and members of the State and Local Government Committee, my name is Corey Mock, Chief Information Officer for North Dakota Information Technology (NDIT). I am here today in support of SB 2308, specifically with adoption of the amendments proposed by the Attorney General's Office.

Health Information Technology Advisory Council (HITAC) was established in 2009 as an advising entity for the newly formed Health Information Network (HIN). Today, HIN is the backbone of electronic medical records within North Dakota and the conduit which connects most health care providers. Advisory working groups provide valuable feedback for HIN operation. Removal of this statutory language gives NDIT flexibility to engage stakeholders and build new working relationships as the HIN adapts to evolving health care needs. SB 2308 will have no adverse effect on HIN or the existence of advisory groups.

Statewide Longitudinal Data System (SLDS) and the governance committee were established in 2007, with modifications in 2011 and 2015. Because of the breadth of agencies contributing to SLDS (K-12, Higher Education, early childhood services, workforce development), program administration and governance was placed within a neutral agency, NDIT. SB 2308 in its original form would move SLDS governance to the Department of Public Instruction.

After some discussion with stakeholder agencies, every participating entity agreed that SLDS administration and governance should remain within NDIT.

NDIT was created – and now thrives – thanks to engaged clients and stakeholders. The maturity of these programs eliminates the need for these advisory committees to remain in Century Code. SB 2308, as amended, allows NDIT and our contributing partners to remain effective, agile, and adaptable.

TESTIMONY IN OPPOSITION TO SB 2308**PRESENTED BY JAMES SCHMIDT****EXECUTIVE DIRECTOR, NORTH DAKOTA STATE ELECTRICAL BOARD**

Chairman Roers, Members of the State & Local Government Committee:

I am James Schmidt, Executive Director of the North Dakota State Electrical Board (NDSEB) appearing for the board in opposition to Senate Bill 2308. The board opposed Sections 6-8 of this bill simply because it believes it is unnecessary as applied to the NDSEB.

As you are likely aware, several bills have been proposed, both this session and in past sessions, but have been defeated or turned into a study when the facts of what individual occupational and licensing boards do become fully known.

Our office was directly involved with SB 2249 from the 2022-2023 legislative session which ordered a study to be performed by the Labor Commissioner. Of the 42 boards and commissions plus the Board of Law Examiners, the Labor Commissioner selected six agency directors to be on his Occupational Licensure Advisory Committee (OLCA), and I was one of those individuals. The Labor Commissioner's final report reflected problem areas, but our board was not one of them. It seems this bill will cover the same ground.

We have heard no complaints about the board's licensure process. The board processes over 1,000 applications for licensure each year which are reviewed and processed on a weekly schedule. The board also schedules two days each month for licensing examinations.

Our state currently is a member of the National Electrical Reciprocal Alliance (NERA) which has 19 member states. To be a member of this group the state must have certain minimum licensing requirements. The purpose of our membership in this group is to allow ND electricians to move between states, and allows an extremely streamlined process for electricians seeking to move or practice here. Someone entitled to reciprocity based on holding a license in a NERA state is routinely approved within five days of receipt of their application.

Some states and other jurisdictions do not have licensure or have minimal requirements that make them ineligible for immediate reciprocity. The board also has an expedited path to licensure for these individuals. Individuals with experience in such states and jurisdictions are allowed to temporarily practice and take a placement exam which puts them on the path to full licensure. The board strongly believes its licensure process imposes the minimum burden necessary to protect ND citizens from both life safety concerns and financial harm from unqualified electricians.

The board has also taken significant steps to address future workforce development. With the statutory authority provided by the legislature in SB 2056 in 2019, the board initiated a scholarship program which provides North Dakota student apprentices \$500 per semester to assist with books and tools. Since this program began, scholarships have been provided to 2,156 student apprentice electricians, who are the future of ND's electrical trade.

The board also supports and attends "Market Place for Kids" and other events across the state to enlighten elementary and middle school students about the electrical trade. At these events, we assist these

students in performing interesting hands-on electrical exercises that hopefully will spark a lifelong interest in the trade.

The NDSEB is a specialized board overseeing a technical industry. At its core, the board's concern is safeguarding the residents of ND from electrical hazards and financial harm. It is always on the lookout for more efficient means and methods to streamline its procedures, while also maintaining that core function. We therefore urge a do not pass vote on SB 2308 or exempt/remove North Dakota State Electrical Board from this bill.

We thank the Committee for hearing our concerns.

69th Legislative Assembly
Regular Session (2025)

S.B. 2308

SUPPORT

Senate State and Local Government Committee

Sen. Kristin Roers, Chairman
Sen. Jose Castaneda, Vice Chairman

Testimony of Zachary Greenberg

Interim Commissioner of Labor
N.D. Department of Labor and Human Rights

February 6, 2025

Chair Roers and Members of the Committee,

Thank you for the opportunity to testify today on SB 2308. My name is Zachary Greenberg, and I am the Interim Commissioner of the Department of Labor and Human Rights. I am here to testify in support for the bill as amended by Ms. Hicks proposed amendments, and in support of the proposed move of the task force as proposed by the Governor's Office which transfers the Boards Review Task Force from the Department of Labor and Human Rights to the Governor's Office.

As the bill currently stands, the Department of Labor and Human Rights is responsible for staffing and providing administrative support to the task force. While we recognize the importance of the task force's work in identifying inefficiencies within occupational and professional licensing boards, the Department is currently managing a backlog of over 400 cases involving labor standards, wage disputes, discrimination complaints, and other critical enforcement matters. These cases directly impact North Dakota workers and businesses, and the Department's ability to process them efficiently is essential to fulfilling its core mission.

Unlike larger agencies with dedicated policy teams, the Department operates with a lean staff focused on enforcement and compliance. The additional responsibility of coordinating a broad, government-wide review of professional boards places further strain on our limited resources and risks delaying essential services for North Dakotans who rely on the Department for timely case resolutions.

Transferring the task force to the Governor's Office will ensure it has the dedicated administrative support necessary to conduct a comprehensive, statewide evaluation of licensing boards without diverting resources from the Department's core enforcement duties. The Governor's Office is well positioned to provide the necessary staffing and interagency coordination to execute the task force's mission effectively.

While I support this amendment, I remain fully committed to the task force's objectives and welcome the opportunity to continue serving as a member. I look forward to contributing my expertise and sharing insights from the Department's Occupational Licensure Study conducted during the 2023–2025 interim.

For these reasons, I respectfully urge the committee to support the bill and the amendment.

Thank you for your time, and I am happy to answer any questions.

Testimony in Opposition to SB 2308 - Hearing February 6, 2025

Submitted – February 6, 2025

Senators Roesrs and Hogue, Representatives Lefor and Louser, and Members of the Committee:

I am Bruce Ellingson, President of the North Dakota Onsite Wastewater Recycling Association (“NDOWRA”). I have served on the Onsite Wastewater Technical Committee since its formation. I OPPOSE SB 2308. I don't believe that ND public health units should or can adopt a statewide technical guide for onsite wastewater systems and recycling treatments. As I have understood, the public health units have had control of permitting and inspection of the onsite systems since about 1976 – as stated in other testimony. It has been said and is known, to this day, that the units have very little cooperation or collaboration between them on matters ranging from technical guides down to the uniformity of fees. Some units require \$25 for licensing while others require \$250 for the same licensing. Some units require payment for system plan modifications and/or variances while other units may not collect any such fees. And some units forbid and will not consider any variances – this reflects unacceptable inconsistencies now and that would continue, I believe, in the future. There are no checks and balances. While I believe that the health units have their hearts in the right place and they do good jobs on some things, it is obvious the separate units across the state cannot get together as one collective body - and that will not happen, I believe, until they are under one authority . It isn't reasonable to have all the health units operating independently – each unit is the captain of their own ship – they are islands unto themselves. Furthermore, to abolish the onsite wastewater recycling technical committee and allow “ EACH Public Health Unit to adopt **the statewide** technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies established by the Department of Health and Human Services” as stated in the proposed Sec. 5 Amendment to reenact ND Century Code 23-35-02.2 is asking for trouble, in my opinion. I believe that onsite wastewater technical committee has done what it was established and mandated by our former governor to do. I agree the onsite wastewater treatment committee should be abolished. It was a good committee and accomplished a lot, including promoting relationships and communication among the contractors, installers and the health department employees. The committee was cost effective and frugal. For most of its life, the committee

functioned with no funding. Funding only occurred at the end of the 2023 session when it received \$40,000. To date, only \$8,000 has been expended for two years of work and travel. Think about this - prior to funding, without hesitation, contractors and installers paid their own expenses including fuel, meals, and hotels if needed – not to mention the value of their time away from their work – to come to Bismark to work on the mandates to the committee. Their selfless and humble commitment to the work for our state is laudable and speaks to their commitment to uniformity in all onsite wastewater matters. I take this opportunity to thank the legislators who gave me the opportunity to serve our state and the committee. I believe, with today's technology, a more streamlined, cost-effective, and otherwise qualified board can be created and would be the platform for advancing so much in the design, permitting, and licensing statewide uniform processes for sewer, septic and onsite wastewater systems. Contractors are quitting! We are losing them and opening the door for sub-standard work and even inviting contractors from other states to come in an profit at our expense – money leaving our state.

Respectfully,

Bruce Ellingson

NDOWRA President and Onsite Wastewater Technical Services Committee member



Drew H. Wrigley
ATTORNEY GENERAL

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
www.attorneygeneral.nd.gov
(701) 328-2210

**SENATE STATE AND LOCAL
GOVERNMENT COMMITTEE**
FEBRUARY 6, 2025

TESTIMONY OF ALLYSON HICKS
OFFICE OF ATTORNEY GENERAL
SENATE BILL 2308

Chairman Roers, members of the Committee.

I am Allyson Hicks, Assistant Attorney General, General Counsel Division, and I appear on behalf of our clients, the Department of Health and Human Services (DHHS), the Information Technology Department (ITD), the Department of Water Resources (DWR), and the Department of Labor and Human Rights (DOLHR), in a neutral capacity to introduce an omnibus amendment to Senate Bill 2308. I will review the amendment section by section and address the purpose of the amendments.

The header was corrected pursuant to the Legislative Council drafting manual to match the amendments made in the upcoming sections.

SECTION 1: No amendments made to this section.

SECTION 2: No amendments made to this section.

Former SECTION 3: This section was entirely removed. As you will see later, the purpose of this section was to add the administration of the State Longitudinal Data System (SLDS) to the duties of the Superintendent of Public Instruction. The bill has been amended to move the administration of the SLDS back to ITD, so this section is no longer necessary and has been struck in its entirety.

Newly numbered SECTION 3: No amendments made to this section.

SECTION 4: ND DHHS, Public Health Division, does not regulate wastewater treatment and this is one of the areas that went with the Department of Environmental Quality (DEQ) when the legacy Department of Health and DEQ split, so the correction was made to place this obligation with the appropriate state agency.

SECTION 5: No amendments made to this section.

SECTION 6: Updates were made to this section to better align with the goals of the boards review task force, discussed in Section 7 of this bill, to avoid a duplication of efforts made under the prior administration.

SECTION 7: The requirement of the boards review task force to issue performance evaluations to all boards was removed. This unnecessary administrative burden was removed from DOLHR as the main goal of the boards review task force is information gathering such that recommendations for streamlining government operations can be made.

SECTIONS 8 & 9: No amendments made to these sections.

SECTION 10: This is clean-up language for DHHS to ensure that committees or councils for maintenance of federal fundings are retained. Additionally, the reference to early childhood education has been removed as that is not within the purview of DHHS.

SECTIONS 11 through 16: No amendments made to these sections.

Newly added SECTIONS 17 through 19: These sections relate back to the original Section 3 of the bill which was removed in its entirety. This amended language strikes the SLDS committee and adds administration of the SLDS back into the duties of ITD. Section 17 relates to the duties regarding administration of the SLDS. The language on page 14, lines 13-14 was taken from N.D.C.C. § 54-59-35, which this bill proposes to repeal. The language on page 14, lines 26 through 29 was taken from N.D.C.C. § 54-59-38, which this bill proposes to repeal, which ensures

that the currently negotiated interagency data sharing agreements related to the SLDS remain in effect. Additionally, the language on page 15, lines 26 and 27 was retained from the now repealed section 54-59-35. Section 18 relates to a report to legislative management regarding the SLDS, and Section 19 provides for the continuing appropriation of privately solicited funding related to the SLDS. Both sections 18 and 19 are preexisting in law and move responsibility from the dissolving SLDS committee to ITD. Effectively, with these changes, ITD assumes the role of administration of the SLDS due to the dissolution of the SLDS committee.

SECTION 20: This section pulls in preexisting language from N.D.C.C. § 54-59-38, which this bill proposes to repeal, which guarantees that an agency may enter into an interagency agreement with ITD subject to any applicable federal and state privacy laws governing disclosure and redisclosure of an agency's data.

SECTION 21: Clarifies language which moved licensure of water well contractors into the DWR and modified some of the originally proposed language for clarity and accuracy.

SECTION 22: No amendments made to this section.

Newly added SECTION 23: Originally section 61-04.1-08 was repealed. This section brings it back and just amends it to change all references to the "board of atmospheric resources" to the DWR.

SECTIONS 24- 36: No amendments made to these sections.

SECTIONS 37 and 38: These sections are amended to shift the funding to the water commission fund for disbursement.

SECTION 39: No amendments made to this section.

SECTIONS 40, 42, and 43: Internal citations were updated to reflect new numbering and the amendments made to the body of the bill.

I would stand for any questions.

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, 23-35-
4 02.2, 34-16-01, and 34-16-02, subsection 30 of section 38-14.1-02, subdivision t of subsection
5 1 of section 38-14.1-14, subsection 1 of section 50-06-01.4, section 52-02-02, 52-02-08,
6 subsection 1 of section 54-07-01.2, sections 54-54-05, 54-59-26, 54-59-27, 54-59-34, 54-59-
7 36, 54-59-37, 54-59-39, 61-03-01.3, 61-04.1-03, 61-04.1-08, 61-04.1-09, 61-04.1-12, 61-04.1-
8 14, 61-04.1-15, 61-04.1-16, 61-04.1-17, 61-04.1-18, 61-04.1-19, 61-04.1-20, 61-04.1-21, 61-
9 04.1-33, 61-04.1-34, 61-04.1-37, 61-04.1-38, and 61-04.1-39, and subdivision a of subsection
10 2 of section 65-02-03.1 of the North Dakota Century Code, relating to the wastewater
11 recycling treatment guide, boards and commissions, soil classifiers, the unemployment
12 insurance advisory council, gubernatorial appointments, the committee on aging, health
13 information technology advisory committee, statewide longitudinal data system committee,
14 atmospheric resource board, the department of health and human services, the council on the
15 arts, the state engineer, the superintendent of public instruction, job service North Dakota, and
16 workforce safety and insurance coordinating committee; to repeal chapter 8-11.1, section 12-
17 48-06.1, chapter 17-07, sections 15.1-37-05, 15.1-37-06, 15.1-37-08, 19-24.1-38, 19.1-24.1-
18 39, ~~and~~, 23-35-02.3, ~~chapters~~ 43-35-01 – 43-35-17, 43-35-20 – 43-35-23, ~~and~~ chapter 43-36,
19 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,
20 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,
21 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 61-04.1-
22 10, and chapter 61-36 of the North Dakota Century Code, relating to the Midwest interstate
23 passenger rail compact, prison industry advisory committee, energy policy commission,
24 medical marijuana advisory committee, onsite wastewater recycling technical committee, state
25 board of water well contractors, state board of registration for professional soil classifiers,
26 committee on aging, brain injury advisory council, early childhood council, unemployment
27 insurance advisory council, commission on the status of women, health information

1 technology advisory committee, statewide longitudinal data system committee, poet laureate
2 nominating board, rural development council, America 250 commission, atmospheric resource
3 board, and Devils Lake outlet management advisory committee; to provide an effective date;
4 and to provide an expiration date.

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

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

8 **6-09-43. Health information technology planning loan fund - Appropriation.**

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

1 collect interest and principal due the revolving loan fund under mortgages,
2 contracts, and notes executed to obtain loans under this section. If the applicant's
3 plan for financing provides for a loan of funds from sources other than the state of
4 North Dakota, the Bank may make a loan subordinate security interest. The Bank
5 may recover from the revolving loan fund amounts actually expended by the Bank
6 for legal fees and to effect a redemption.

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

9 j. The following gubernatorial appointees:

10 (1) ~~An individual representing the statewide longitudinal data system-~~
11 ~~committee;~~

12 (2) An individual representing tribal school interests;

13 ~~(3)(2)~~ An individual employees as a public school administrator;

14 ~~(4)(3)~~ An individual employed as a public school principal;

15 ~~(5)(4)~~ An individual employed as a public elementary school teacher;

16 ~~(6)(5)~~ An individual employed as a public secondary school teacher;

17 ~~(7)(6)~~ A director of a special education unit; and

18 ~~(8)(7)~~ A director of a regional education association.

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

21 ~~**15.1-02-04. Superintendent of public instruction -- Duties.**~~

22 ~~The superintendent of public instruction:~~

23 ~~1. Shall supervise the provision of elementary and secondary education to the~~
24 ~~students of this state.~~

25 ~~2. Shall supervise the establishment and maintenance of schools and provide advice~~
26 ~~and counsel regarding the welfare of the schools.~~

27 ~~3. Shall supervise the development of course content standards.~~

28 ~~4. Shall supervise the assessment of students.~~

29 ~~5. Shall serve as an ex officio member of the board of university and school lands.~~

30 ~~6. Shall keep a complete record of all official acts and appeals.~~

31 ~~7. As appropriate, shall determine the outcome of appeals regarding education~~
32 ~~matters.~~

33 ~~8. Shall direct school district annexation, reorganization, and dissolution and employ~~
34 ~~and compensate personnel necessary to enable the state board of public school~~

~~education to carry out its powers and duties regarding school district annexation,
reorganization, and dissolution.~~

~~9. Shall facilitate a process to review and update annually the statewide
prekindergarten through grade twelve education strategic vision. The process must
include input and participation from a steering committee that includes
representatives of all state level entities receiving state education funding and
education stakeholder groups. Each steering committee member entity receiving
state education funds shall provide components of the entity's strategic plan which
are aligned to the statewide strategic vision. The steering committee shall prepare
a collaborative report of the strategic plans of each committee member entity
receiving state education funds. The superintendent shall provide the collaborative
report and any updates to the strategic vision to the legislative management during
each interim and to a joint meeting of the education standing committees during
each regular legislative session.~~

~~10. Shall facilitate the development and implementation of a North Dakota learning
continuum in collaboration with the department of career and technical education,
upon the recommendation of the kindergarten through grade twelve education
coordination council.~~

~~11. Shall:~~

- ~~a. Establish the terms and conditions under which a person may be authorized to
access data through the statewide longitudinal data system;~~
- ~~b. Require all statewide longitudinal data system administrators to implement
approved data protection practices to ensure the security of electronic and
physical data which must include requirements for encryption and staff training;~~
- ~~c. Provide for biennial privacy and security audits of the statewide longitudinal
data 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 3. 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.

SECTION 4. AMENDMENT. Section 23-35-02.2 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 5. AMENDMENT. Section 34-16-01 of the North Dakota Century Code is amended and reenacted as follows:

1 **34-16-01. Definitions.**

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

4 2. "Commissioner" means the labor commissioner.

5 **SECTION 6. AMENDMENT.** Section 34-16-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **34-16-02. Duties of commissioner.**

8 The commissioner shall gather information regarding the continuing education
9 requirements and the practice of licensing ~~out-of-state~~ practitioners for each licensing board
10 under title 43, the education standards and practices board, and the state board of law
11 examiners. The commissioner shall analyze the information to ~~develop-and~~ update a strategy
12 for more efficient continuing education requirements and more efficient practices for licensing
13 ~~out-of-state~~ practitioners. As necessary, the commissioner may recommend introduction of
14 legislation to implement this strategy.

15 **SECTION 7.** A new section to chapter 34-16 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Boards review task force.**

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

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

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

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

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

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

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

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

33 d. A representative of an organization representing counties, appointed by the
34 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 8. 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 the physical, chemical, and biological sciences applicable to soils as natural bodies and of the methods and principles of soil classification as acquired by soils education and soil classification experience in the formation, morphology, description, and mapping of soils is qualified to practice soil classifying.

SECTION 9. AMENDMENT. Subdivision t of subsection 1 of section 38-14.1-14 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 10. AMENDMENT. Subsection 1 of section 50-06-01.4 of the North Dakota Century Code is amended and reenacted as follows:

1. The department includes the state hospital, the regional human service centers, a vocational rehabilitation unit, public health division, and other units or offices and

administrative and fiscal support services as the commissioner of the department determines necessary. The department must be structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:

a. (1) Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles, and early childhood services advisory council.

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

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

b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.

c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, ~~and~~ licensure of adult foster care homes, ~~and the~~

committee on aging.

- d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention services, and twenty-four-hour crisis services for individuals with behavioral health disorders.
- e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.
- f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.
- g. Administration of general assistance.
- h. Administration of child support.
- i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.
- j. Administration of a program to improve the quality of life for an individual with brain injury and the individual's family through brain injury awareness, prevention, research, education, collaboration, support services, and advocacy.

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

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

The bureau may adopt, amend, or rescind ~~such~~ rules and regulations, make ~~such~~ expenditures, require ~~such~~ reports, make ~~such~~ investigations, and take ~~such~~ other action as it deems necessary or suitable in the administration of the North Dakota unemployment compensation law. ~~Such rules~~ All rules and regulations are effective upon publication in the manner, not inconsistent with the provisions of the North Dakota unemployment compensation law, which the bureau shall prescribe. The bureau shall determine its own organization and

1 methods of procedure in accordance with the provisions of the North Dakota unemployment
2 compensation law and shall have an official seal which shall be noticed judicially.

3 **SECTION 12. AMENDMENT.** Section 52-02-08 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **52-02-08. Bureau and advisory councils to take steps to stabilize employment.**

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

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

17 **SECTION 13. AMENDMENT.** Subsection 1 of section 54-07-01.2 of the North Dakota
18 Century Code is amended and reenacted as follows:

- 19 1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1, 12-
20 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,
21 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,
22 all members of the following boards and commissions must, subject to the
23 limitations of this section, be considered to have resigned from such boards and
24 commissions effective January first of the first year of each four-year term of the
25 governor:
 - 26 a. The aeronautics commission.
 - 27 b. The milk marketing board.
 - 28 c. The dairy promotion commission.
 - 29 d. The state banking board.
 - 30 e. The state credit union board.
 - 31 f. The advisory board of directors to the Bank of North Dakota.
 - 32 g. The pardon advisory board.
 - 33 h. The state parole board.
 - 34 i. The state board of public school education.

- j. The education standards and practices board.
- k. The board of trustees of the teachers' fund for retirement.
- l. The state game and fish advisory board.
- m. The environmental review advisory council.
- n. The board of animal health.
- o. The administrative committee on veterans' affairs.
- p. ~~The committee on aging.~~
- q. ~~The commission on the status of women.~~
- r. The North Dakota council on the arts.
- s. ~~q.~~ The state historical board.
- t. ~~r.~~ The state water commission.

SECTION 14. AMENDMENT. Section 54-54-05 of the North Dakota Century Code is amended and reenacted as follows:

54-54-05. Duties of council.

The duties of the council are:

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

SECTION 15. AMENDMENT. Section 54-59-26 of the North Dakota Century Code is amended and reenacted as follows:

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

1. ~~The health information technology office is created in the department. The health information technology advisory committee shall make recommendations to the health information technology office for implementing an interoperable health information infrastructure that is consistent with emerging national standards; promote the adoption and use of electronic health records and other health information technologies; and promote interoperability of health information systems for the purpose of improving health care quality, patient safety, and the overall efficiency of health care and public health services.~~
2. ~~The health information technology office director, in collaboration with the health information technology advisory committee, shall:~~
 - a. Apply for federal funds that may be available to assist the state and health care providers in implementing and improving health information technology.
 - b. Implement and administer a health information exchange that utilizes information infrastructure and systems in a secure and cost-effective manner to facilitate the collection, storage, and transmission of health records.
 - c. Adopt rules under chapter 28-32 for the use of health information, use of the health information exchange, and participation in the health information exchange.
 - d. Adopt rules under chapter 28-32 for accessing the health information exchange to ensure appropriate and required privacy and security protections and relating to the authority of the director to suspend, eliminate, or terminate the right to participate in the health information exchange.
 - e. Establish a health information technology planning loan program to provide low-interest loans to health care entities to assist those entities in improving their health information technology infrastructure under section 6-09-43.
 - f. Facilitate and expand electronic health information exchange in the state, directly or by awarding grants.
 - g. Establish an application process and eligibility criteria for and accept and process applications for loans and grants under subdivisions e and f. The eligibility criteria must be consistent with federal requirements associated with federal funds received under subdivision a. The eligibility criteria for loans under subdivision f must include a requirement that the recipient's approved

health information technology be strategically aligned with the state's health information technology plan and the associated federal standards and that the recipient has passed an onsite electronic medical record readiness assessment conducted by an assessment team determined by ~~the health information technology advisory 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 16. 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.~~

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

SECTION 17. AMENDMENT. Section 54-59-34 of the North Dakota Century Code is amended and reenacted as follows:

54-59-34. Statewide longitudinal data system ~~committee~~ – Information technology department – Duties.

1. The ~~statewide longitudinal data system committee~~ information technology department shall manage a statewide longitudinal data system among education, workforce, and training entities that:
 - a. Provides for the dissemination of management information to stakeholders and partners of state education, training, and employment systems;
 - b. Is required to provide on an annual basis to education and workforce development programs, to the extent permitted by federal law, the wage record interchange system 2 data sharing agreement and the state wage interchange system data sharing agreement and state performance reports that measure the aggregate outcomes of participants in the workforce and continuing education programs, including private workforce and education programs that request the reports; and
 - c. Uses data from educational and workforce systems as central sources of statewide longitudinal data.

2. The department may, subject to federal and state privacy laws, enter interagency agreements, including agreements designating authorized representatives of the educational agencies participating in the system, pursuant to the Family Educational Rights and Privacy Act [20 U.S.C. 1232G; 34 CFR 99].

- ~~2.3.~~ The ~~statewide longitudinal data system committee~~ department shall establish policies and adopt rules addressing access to and the collection, storage, and sharing of information and the systems necessary to perform those functions, subject to applicable federal and state privacy laws and interagency agreements and restrictions relating to confidential information required to conform to applicable

federal and state privacy laws.

~~3.4.~~ The ~~statewide longitudinal data system committee~~ department shall provide operational oversight for information sharing activities and make recommendations for and provide oversight of information sharing budgets.

~~4.5.~~ The ~~statewide longitudinal data system committee in consultation with the information technology~~ department shall:

- a. Establish the terms and conditions under which a person may be authorized to access data through the statewide longitudinal data system;
- b. Direct that all statewide longitudinal data system administrators implement approved data protection practices to ensure the security of electronic and physical data, provided that the practices include requirements for encryption and staff training;
- c. Provide for biennial privacy and security audits of the statewide longitudinal data 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; and
- 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.

6. The department may authorize studies to benefit and improve workforce training and education.

SECTION 18. AMENDMENT. Section 54-59-36 of the North Dakota Century Code is amended and reenacted as follows:

54-59-36. Statewide longitudinal data system ~~committee~~ – Report to legislative management.

During each interim the ~~statewide longitudinal data system committee~~ department shall provide a report regarding the statewide longitudinal data system to one or more committees designated by the legislative management and shall provide recommendations for further

development, cost proposals, proposals for legislation, and recommendations for data sharing governance.

SECTION 19. AMENDMENT. Section 54-59-37 of the North Dakota Century Code is amended and reenacted as follows:

54-59-37. Statewide longitudinal data system ~~committee~~ – Continuing appropriation.

The ~~statewide longitudinal data system committee~~department may solicit and receive gifts, grants, and donations from public and private sources. Any moneys received in accordance with this section are appropriated on a continuing basis for the support of the statewide longitudinal data system.

SECTION 20. AMENDMENT. Section 54-59-39 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The information technology department may request from any state agency:

a. All information required by 20 U.S.C. 9871(e)(2)(D);

b. Any other educational information ~~the statewide longitudinal data system committee determines~~ is required for a longitudinal data system to comply with state or federal law; and

c. Unemployment insurance wage data from job service North Dakota for education and workforce development program evaluations, except that the information technology department may not redisclose any data identifying an individual unless the redisclosure is expressly permitted by a written agreement between job service North Dakota and the department or is otherwise expressly permitted or required by federal or state law.

2. A state agency providing information requested pursuant to subsection 1 shall enter an interagency agreement with the information technology department identifying the applicable federal and state privacy laws and agency established restrictions relating to its confidential information that the agency has determined is required to conform to applicable federal and state privacy laws.

3. Subject to applicable restrictions on the use and disclosure of confidential information required to comply with federal and state privacy laws and the terms of the interagency agreement, any state agency receiving a request for information under subsection 1 shall provide the information at the time and in the manner required by the information technology department.

1 **SECTION 21. AMENDMENT.** Section 61-03-01.3 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **61-03-01.3. Director - State engineer - Powers and duties.**

4 1. The director shall:

- 5 a. Enforce all rules adopted by the department;
- 6 b. Hire a state engineer who is a qualified professional engineer, has appropriate
7 hydrology experience, and will report to the director;
- 8 c. Hire other employees as necessary to carry out the duties of the department
9 and director;
- 10 d. Organize the department in an efficient manner; and
- 11 e. Take any other action necessary and appropriate for administration of the
12 department.
- 13 f. Adopt rules to ~~regulate~~ license water well contractors, water well pump and
14 pitless unit installers, monitoring well contractors, and geothermal system
15 drillers.
- 16 g. Advise the governor and the state water commission regarding operations of
17 Devils Lake outlets.
- 18 h. Recommend ~~criteria for operation of each outlet based~~ an operational plan for
19 the Devils Lake outlet based on ~~outflow volumes, Sheyenne River capacity and~~
20 water quality considerations, ~~and the risk of an overflow of Devils Lake.~~

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

24 **SECTION 22. AMENDMENT.** Section 61-04.1-03 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **61-04.1-03. Definitions.**

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

- 28 1. ~~"Board" means the North Dakota atmospheric resource board which, in the~~
29 ~~exercise of the powers granted under this chapter, has all of the powers of an~~
30 ~~administrative agency as defined in chapter 28-32.~~
- 31 2. "Controller" refers to any licensee duly authorized in this state to engage in weather
32 modification operations.
- 33 3.2. "Geographical region" means a geographical area with a contiguous boundary that
34 may enclose a portion of any county or counties.

1 4.3. "Hail suppression" refers to the activation of any process that will reduce, modify,
2 suppress, eliminate, or soften hail formed in clouds or storms.

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

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

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

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

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

25 10.9. "Weather modification authority" means the governing body created by a board of
26 county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27, 61-
27 04.1-29, or 61-04.1-31.

28 **SECTION 23. AMENDMENT.** Section 61-04.1-08 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **61-04.1-08. Powers and duties of ~~board~~department.**

31 The ~~board~~department has the following powers and duties:

32 1. ~~The board shall appoint an executive director to serve at the board's discretion and~~
33 ~~to perform duties assigned by the board.~~

34 2. ~~The board shall authorize the employment of staff the board deems necessary to~~

~~carry out the provisions of this chapter. The executive director shall hire the staff,
subject to the approval of the board.~~

~~3-1.~~ The ~~board~~department shall adopt rules concerning qualifications, procedures, and conditions for issuance, revocation, suspension, and modification of licenses and permits; standards and instructions governing weather modification operations, including monitoring and evaluation, recordkeeping, and reporting, and the ~~board~~department shall establish procedures and forms for this recordkeeping and reporting. The ~~board~~department may adopt all other rules necessary to the administration of this chapter. The provisions of chapter 28-32 apply to this chapter and rules of the ~~board~~department must be published in the North Dakota Administrative Code.

~~4-2.~~ The ~~board~~department may contract with any person to carry out weather modification operations and, in connection with regulated weather modification operations in a county or geographical region, shall carry on monitoring and evaluation activities.

~~5-3.~~ The ~~board~~department may order any person who is conducting weather modification operations in violation of this chapter or any rules adopted to implement this chapter, to cease and desist from those operations and the order is enforceable in any court of competent jurisdiction within this state.

~~6-4.~~ The ~~board~~department may cooperate and contract with any person engaged in activities similar to the work of the ~~board~~department and may make contracts and agreements to carry out programs consistent with the purpose and intent of this chapter. The ~~board~~department may request and accept any grants of funds or services from any person and expend these funds or use these services to carry out this chapter.

~~7-5.~~ The ~~board~~department shall monitor the current state of knowledge regarding the magnitude and impacts of possible regional and global climatic changes and shall provide information to other state agencies that may benefit from this knowledge.

~~8-6.~~ The ~~board~~department shall administer and enforce the provisions of this chapter and do all things reasonably necessary to effectuate the purposes of this chapter.

~~9-7.~~ The ~~board~~department may plan and study a hail suppression pilot program that would provide urban and rural hail suppression operations statewide or to any portion of the state.

SECTION 24. AMENDMENT. Section 61-04.1-09 of the North Dakota Century Code is

amended and reenacted as follows:

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

1. The ~~board~~department of water resources shall establish a program of weather modification research and development in this state. The ~~board~~department shall supervise and coordinate all research and development activities in the state or research and development activities outside of the state participated in or conducted by any state institution or state or county agency.
2. If the ~~board~~department plans and studies a hail suppression pilot program, the ~~board~~department may conduct a planning phase that includes studying the impact on the environment, providing public education, and formulating an operations plan.

SECTION 25. AMENDMENT. Section 61-04.1-12 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-12. Exemptions.

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

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

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

SECTION 26. AMENDMENT. Section 61-04.1-14 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-14. Issuance of license – Fee.

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

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

1 chapter 10-19.1.

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

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

9 **61-04.1-15. Revocation or suspension of license.**

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

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

18 **SECTION 28. AMENDMENT.** Section 61-04.1-16 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **61-04.1-16. Permit required - Issuance of permit - Fee.**

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

1 proposed operation and shows the area that is reasonably expected to be
2 affected by such operation, a statement of the approximate time during which
3 the operation is to be conducted, a list of the materials and methods to be used
4 in conducting the operation, and such other detailed information as may be
5 needed to describe the operation.

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

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

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

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

12 d. The operation:

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

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

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

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

23 f. The applicant has furnished a performance bond as required by section 61-
24 04.1-34.

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

28 h. The applicant has furnished a bid bond.

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

31 To carry out the objectives and purposes of this chapter, the ~~board~~department may
32 condition and limit permits as to primary target areas, time of the operation,
33 materials, equipment, and methods to be used in conducting the operation,
34 emergency shutdown procedure, emergency assistance, and such other

1 operational requirements as may be established by the ~~board~~department.

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

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

7 **SECTION 29. AMENDMENT.** Section 61-04.1-17 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **61-04.1-17. Hearings.**

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

17 **SECTION 30. AMENDMENT.** Section 61-04.1-18 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **61-04.1-18. Revocation, suspension, or modification of permit.**

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

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

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

26 2. It appears to the ~~board~~department that a modification of the conditions and limits of
27 a permit is necessary to protect the public's health, safety, welfare, or the
28 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
32 order temporary suspension of a permit. The issuance of such an order ~~shall~~must include
33 notice of a hearing to be held within ten days thereafter on the question of permanently
34 modifying the conditions and limits or continuing the suspension of the permit. Failure to

1 comply with an order temporarily suspending an operation or modifying the conditions and
2 limits of a permit ~~shall be~~is grounds for immediate revocation of the license and permit of the
3 person controlling or engaged in the operation.

4 **SECTION 31. AMENDMENT.** Section 61-04.1-19 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **61-04.1-19. Proof of financial responsibility.**

7 Proof of financial responsibility is made by showing to the satisfaction of the
8 ~~board~~department of water resources that the permittee has the ability to respond in damages
9 to liability which might reasonably result from the operation for which the permit is sought.

10 ~~Such proof~~Proof of financial responsibility may be shown by:

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

16 **SECTION 32. AMENDMENT.** Section 61-04.1-20 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **61-04.1-20. ~~Board~~Department of water resources may create operating districts -**
19 **Representation of noncontracting counties.**

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

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

31 **61-04.1-21. District operations advisory committees created - Duties.**

- 32 1. There must be a district operations advisory committee in each operations district
33 created in accordance with section 61-04.1-20. Each committee must be
34 composed of one commissioner of the weather modification authority, if a weather

modification 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 34. 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 contract~~department 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 ~~no~~ contract or agreement for weather modification services except with a controller, holding the permit as required by this chapter, except for the purpose of gathering technical information, and making studies or surveys.

SECTION 35. 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

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

3 **SECTION 36. 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
7 is not an ultrahazardous or abnormally dangerous activity which makes the
8 permittee subject to liability without fault.
- 9 2. Dissemination of materials and substances into the atmosphere by a permittee
10 acting within the conditions and limits of the permittee's permit ~~shall~~do not
11 constitute 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
19 in any legal action which may be brought against the person.

20 **SECTION 37. 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
24 state any funds that are offered or become available from any federal grant or appropriation,
25 private gift, donation, or bequest, county funds, or funds from any other source except license
26 and permit fees, and to expend these funds for the expense of administering this chapter, and,
27 with 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.

32 All federal grants, federal appropriations, private gifts, donations, or bequests, county
33 funds, or funds from any other source except license and permit fees, received by the
34 ~~board~~department must be paid over to the state treasurer, who shall credit this amount to a-

1 ~~special fund in the state treasury known as the state weather modification fund~~ the water
2 commission fund. All proceeds deposited by the state treasurer in the ~~state weather~~
3 ~~modification~~ water commission fund are appropriated to the ~~board~~ department and, if
4 expended, must be disbursed by warrant-check prepared by the office of management and
5 budget upon vouchers submitted by the ~~board~~ department and must be used for the purpose of
6 paying for the expense of administration of this chapter and, with the exception of county
7 funds or funds from any other person contracting with the ~~board~~ department for weather
8 modification operations, for the encouragement of research and development in weather
9 modification by any private person, the North Dakota state university, the university of North
10 Dakota, or any other appropriate state, county, or public agency by direct grant, contract, or
11 other means.

12 **SECTION 38. AMENDMENT.** Section 61-04.1-39 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **61-04.1-39. Payment for weather modification – State to provide funds.**

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

23 **SECTION 39. AMENDMENT.** Subdivision a of subsection 2 of section 65-02-03.1 of
24 the North Dakota Century Code is amended and reenacted as follows:

- 25 a. A departing member representing an employer must be replaced by a member
26 representing an employer, most of whose employees are in a different rate
27 classification than those of the employer represented by the departing member.
28 ~~The governor shall appoint the member for an employer representative from a~~
29 ~~list of three potential candidates submitted by a coordinating committee~~
30 ~~appointed by the governor, composed of representatives from the associated~~
31 ~~general contractors of North Dakota, the North Dakota petroleum council, the~~
32 ~~greater North Dakota chamber of commerce, the North Dakota motor carriers~~
33 ~~association, the North Dakota hospital association, the national federation of~~
34 ~~independent business, the lignite energy council, and other statewide business~~

1 ~~interests.~~

2 **SECTION 40. REPEAL.** Chapter 8-11.1, section 12-48-06.1, chapter 17-07, sections
3 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-
4 ~~35-01 – 43-35-17, 43-35-20 – 43-35-23,~~ ~~and~~ chapter 43-36, sections 50-06-05.6, 50-06.4-10,
5 50-11.1-25, 50-11.1-26, 50-11.1-27, 52-02-07, 54-34.3-10, 54-54-10, 54-59-25, 54-59-33, ~~54-~~
6 ~~59-34,~~ 54-59-35, ~~54-59-36, 54-59-37,~~ 54-59-38, 54-60-25, 61-04.1-04, 61-04.1-05, 61-04.1-
7 06, 61-04.1-07, ~~61-04.1-08,~~ and 61-04.1-10, and chapter 61-36 of the North Dakota Century
8 Code are repealed.

9 **SECTION 41. REPEAL.** Sections 55-01-13 and 55-01-14 of the North Dakota Century
10 Code are repealed.

11 **SECTION 42. EFFECTIVE DATE.** Section ~~38~~41 of this Act is effective December 31,
12 2026.

13 **SECTION 43. EXPIRATION DATE.** Section ~~8~~7 of this Act is effective through
14 December 1, 2026, and after that date is ineffective.

Senate State and Local Government
February 6, 2025

Testimony of the State Board of Law Examiners
SENATE BILL NO. 2308

Chair Roers and members of the Committee, I am Petra Hulm, Secretary-Treasurer of the State Board of Law Examiners, appearing on behalf of the State Board of Law Examiners in opposition to Senate Bill 2308.

The State Board of Law Examiners opposes the bill inasmuch as it includes the Board of Law Examiners. The Board requests the definition of "board" remain as currently enacted or remove the State Board of Law Examiners.

The State Board of Law Examiners is not an executive branch board under Title 43. The power to regulate attorneys lies with the Judicial Branch in the North Dakota constitution in Article VI, Section 3. The Board of Law Examiners has limited statutes in N.D.C.C. Chapters 27-11, 13 and 14. The Board believes this important work should be done by the Judicial Branch and the State Board of Law Examiners, and not the Legislative Branch or the Executive Branch.

As was recognized when these statutes and constitutional provisions were enacted, the practice of law is a matter of vital interest to the general public, because lawyers are engaged in the preservation and protection of fundamental liberties of the people. Because of that vital interest, these responsibilities are taken seriously by the Court and the Board.

The Board of Law Examiners has substantial oversight and support. The Bar Board, now known as the State Board of Law Examiners, was established in 1919. The practice of law and the Board of Law Examiners has been managed and governed by the Judicial Branch since its inception. The Board has valuable input and oversight from the leaders of the Judicial Branch. The Justices have the ultimate authority to admit attorneys and to make the rules governing the practice of law. The Clerk of the Supreme Court is the administrator for the Board's office.

The Board of Law Examiners is operating successfully. The Board of Law Examiners demonstrated in the study done by the Labor Commissioner in 2023-2024, that it operates timely and effectively. The Board timely renewed more than 3,000 licenses in 2024 and admitted 119 new attorneys in 2024.

The Board of Law Examiners and the Supreme Court continually evaluates the practice of law and ways to increase access to legal services. North Dakota is known nationally in the attorney admission and licensing area as being progressive in removing unnecessary barriers for people to apply and become admitted and licensed to practice law, while still maintaining protection of the public. The Supreme Court has a task force looking in detail at lawyers coming to and staying in North Dakota, as well as alternatives to providing legal services to the public. One current exploration is allied legal professionals. An allied legal professional allows specially-trained non-lawyers to offer legal assistance in certain areas of the law.

The Board of Law Examiners continually evaluates ways to encourage workforce development while protecting the public. The Board has removed barriers in the following ways:

- ND gives a portable exam. The Board began giving a national uniform multiple-choice exam in 1976. It began using the uniform essay and multiple-choice exam, known today as the UBE, in 1997. ND was the second state in the nation to officially adopt the UBE and the first state to administer the UBE. Forty-one jurisdictions have adopted the UBE, which allows licensure in ND to those with a qualifying score. The Supreme Court has adopted the NextGen bar examination starting in 2027. Presently, 32 jurisdictions have announced the intent to use the NextGen bar examination.
- ND has set the threshold for admission based solely on a UBE score at 260 - the lowest score of all jurisdictions.
- ND allows admission by a score related to the multiple-choice portion of the exam – the Multistate Bar Exam – if admitted where that exam was taken. This brings additional portability from jurisdictions that have not adopted the UBE.
- ND allows a 6-month temporary license to applicants while applications for admission are pending completion of a character and fitness investigation.
- ND allows practice by law students who have completed two semesters of education and law school graduates prior to admission.
- ND allows licensing and practice of foreign legal consultants without examination.
- ND allows practice without examination by volunteers with approved legal services organizations.

- ND provided for practice following a major disaster such as occurred in 1997 in Grand Forks.
- ND has provided for Military Spouse Certification since 2016.

The Board respectfully believes this legislation is duplicative of other bills pending – such as SB 2395 and HB 1442.

If this legislation goes forward, equal representation should be included. It does not appear the Judicial Branch is included, though the Executive Branch and Legislative Branch are included. It also does not offer representation by boards.

Finally, the Board notes that the admission and licensing of attorneys is a confidential process. Under Court rule and the opinion of the Attorney General, the records of the Board are not subject to open records. Therefore, if this bill should pass as written, any information provided would be limited in scope so as to not violate that confidentiality.

We respectfully ask the committee to recommend the definition of “board” remain as currently enacted or remove the State Board of Law Examiners.

Senate Bill 2308
Sen. Kristin Roers
Senate State and Local Government
Sen. Kristin Roers, Chair
Thursday, February 6, 2025
Room 216, State Capitol

Good afternoon, Chair Roers and members of the State and Local Government Committee. One priority for our administration is to refocus our efforts in state government to be consumer driven. Senate Bill 2308 sets out to review all occupational or professional boards, along with any other statutorily created board, commission, or council. The goal of this task force will be to understand which boards can be combined or dissolved, and which ones are essential to the core functions of government.

To give background on the “why” behind this legislation - today the Governor’s Office oversees more than 150 boards and commissions in state government. That’s too many. Approximately 1,500 individuals make up these boards, with the governor appointing over two-thirds of the members.

As currently proposed, Senate Bill 2308 dissolves 18 boards. In some cases, state agencies will absorb the duties and scope of the board’s work. When government stays in silos, it leads to duplicative work. Our goal for the task force is to create efficiencies and make sure each board’s mission is still relevant today.

One amendment we would like to propose to Section 5-7 of the bill is to house the task force in the Governor’s office. Our team will carry out the administrative duties of the task force. They will work with Senator Roers on the amendment before it comes before the committee for a vote. Following my testimony, Reed Johnson with our office will be providing a section-by-section overview of the bill as introduced, then Allyson Hicks with the Attorney General’s Office will introduce a friendly amendment that we encourage the committee to pass.

This legislation aligns with a national trend of finding ways to shrink government. Every one of these boards comes with a cost - even those with volunteer members. It takes considerable staff time and resources to ensure all boards are fully staffed and functioning as required by law.

I look forward to continuing to work on this bill with all of you to reduce the footprint of government and save North Dakota taxpayers money.

Testimony of Perry Sullivan
North Dakota Board of Professional Soil Classifiers
SB 2308
February 6, 2025

Chairwoman Roers and members of the State and Local Government Senate Committee, my name is Perry Sullivan. I am a Professional Soil Classifier, and I serve as the chairman of the North Dakota Board of Professional Soil Classifiers (NDBPSC).

I am here today on behalf of NDBPSC to express the Board's opposition to SB 2308, which eliminates NDBPSC. Although NDBPSC doesn't receive any state funding, eliminating it will have a costly and adverse impact to the state and one of its most valuable resources – our soil.

Legislation was passed in 1973 to recognize soil classification as a profession and establish thresholds for entry into the profession (North Dakota Century Code Chapter 43-36). This was particularly important at that time because of the need for reclamation after the onset of extensive surface coal mining. We believe professional and highly trained soil classifiers are even more critical today as North Dakota is on the verge of unleashing its full energy potential through coal mining, oil and gas development, and infrastructure expansion. Responsible energy growth and economic prosperity depend on sound soil stewardship. As the industries grow, the need for qualified, vetted, soil classifiers grows alongside them.

The soil classifiers law is similar to the professional engineering's statute and requires a number of years of experience and a thorough testing program to become registered. The profession is governed by NDBPSC. NDBPSC consists of three professional soil classifiers and two "at large" members, all of whom are appointed by the Governor. NDBPSC's activities are funded solely by exam and registration fees.

Professional Soil Classifiers have a rich history in North Dakota, and we are proud of the work our profession has done to further soil science and survey and soil health, especially with land reclamation. Many companies and private citizens utilize our services. Whether assisting the North Dakota Department of Transportation, conducting wetland work for environmental companies, helping municipalities find suitable landfill sites, or aiding new homeowners with septic system placement, we provide comprehensive support. This is very important work as it has a direct effect on soil health, water quality, environmental health, and ultimately human health.

Eliminating the NDBPSC will leave no checks and balances on who is or is not qualified to do soil classification work in this state. If our Board is eliminated, there would be no vetting process in

place. This change would ultimately hurt not only soil, but also indirectly our water resources and water quality, as well our two largest industries – energy and agriculture.

In addition, North Dakota law mandates the involvement of Professional Soil Classifiers in key regulatory areas. NDCC Section 38-14.1-14 requires a Professional Soil Classifier for mine land soil surveys and reclamation planning. NDBPSC is aware this bill redefines soil classifier in section 38-14.1-14 in an attempt to mitigate the potential drawbacks from eliminating the Board. But the new definition in 38-14.1-14 simply requires an individual to have “special knowledge.” This is not the same as a vetted professional licensed by the NDBPSC.

Many people think soil is endless and indestructible. It is neither. Only about 3 percent of the earth’s surface provides the soil we rely on for agriculture crops, and it is remarkably fragile. It is a priceless, irreplaceable resource and right now soil is struggling for survival.

We are not gaining any more soil, every year more and more soil is being impacted here in North Dakota. Urban sprawl, oil and gas impacts, coal mining impacts, and many other human impacts on North Dakota soils is occurring every year.

NDBPSC is opposed to SB 2308 and strongly urges you to remove NDBPSC from the list of groups slated to be eliminated. Soil classification is essential for responsible land use planning in agriculture, energy development, construction, and conservation and now is not the time to eliminate NDBPSC. In addition, eliminating NDBPSC provides no cost savings to the state.

Our Board has been working for more than 50 years to help safeguard soil, a critical natural resource and welcomes any opportunity to discuss how it can better serve North Dakota and provide additional information on the importance of NDBPSC. This concludes my testimony and I am happy to stand for any questions you may have.



Drew H. Wrigley
ATTORNEY GENERAL

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SENATE STATE AND LOCAL
GOVERNMENT COMMITTEE
FEBRUARY 6, 2025

TESTIMONY OF ALLYSON HICKS
OFFICE OF ATTORNEY GENERAL
SENATE BILL 2308

Chairman Roers, members of the Committee.

I am Allyson Hicks, Assistant Attorney General, General Counsel Division, and I appear on behalf of our clients, the Department of Health and Human Services (DHHS), the Information Technology Department (ITD), the Department of Water Resources (DWR), and the Department of Labor and Human Rights (DOLHR), in a neutral capacity to introduce an omnibus amendment to Senate Bill 2308. I will review the amendment section by section and address the purpose of the amendments.

The header was corrected pursuant to the Legislative Council drafting manual to match the amendments made in the upcoming sections.

SECTION 1: No amendments made to this section.

SECTION 2: No amendments made to this section.

Former SECTION 3: This section was entirely removed. As you will see later, the purpose of this section was to add the administration of the State Longitudinal Data System (SLDS) to the duties of the Superintendent of Public Instruction. The bill has been amended to move the administration of the SLDS back to ITD, so this section is no longer necessary and has been struck in its entirety.

Newly numbered SECTION 3: No amendments made to this section.

SECTION 4: ND DHHS, Public Health Division, does not regulate wastewater treatment and this is one of the areas that went with the Department of Environmental Quality (DEQ) when the legacy Department of Health and DEQ split, so the correction was made to place this obligation with the appropriate state agency.

SECTION 5: No amendments made to this section.

SECTION 6: Updates were made to this section to better align with the goals of the boards review task force, discussed in Section 7 of this bill, to avoid a duplication of efforts made under the prior administration.

SECTION 7: The requirement of the boards review task force to issue performance evaluations to all boards was removed. This unnecessary administrative burden was removed from DOLHR as the main goal of the boards review task force is information gathering such that recommendations for streamlining government operations can be made.

SECTIONS 8 & 9: No amendments made to these sections.

SECTION 10: This is clean-up language for DHHS to ensure that committees or councils for maintenance of federal fundings are retained. Additionally, the reference to early childhood education has been removed as that is not within the purview of DHHS.

SECTIONS 11 through 16: No amendments made to these sections.

Newly added SECTIONS 17 through 19: These sections relate back to the original Section 3 of the bill which was removed in its entirety. This amended language strikes the SLDS committee and adds administration of the SLDS back into the duties of ITD. Section 17 relates to the duties regarding administration of the SLDS. The language on page 14, lines 13-14 was taken from N.D.C.C. § 54-59-35, which this bill proposes to repeal. The language on page 14, lines 26 through 29 was taken from N.D.C.C. § 54-59-38, which this bill proposes to repeal, which ensures

that the currently negotiated interagency data sharing agreements related to the SLDS remain in effect. Additionally, the language on page 15, lines 26 and 27 was retained from the now repealed section 54-59-35. Section 18 relates to a report to legislative management regarding the SLDS, and Section 19 provides for the continuing appropriation of privately solicited funding related to the SLDS. Both sections 18 and 19 are preexisting in law and move responsibility from the dissolving SLDS committee to ITD. Effectively, with these changes, ITD assumes the role of administration of the SLDS due to the dissolution of the SLDS committee.

SECTION 20: This section pulls in preexisting language from N.D.C.C. § 54-59-38, which this bill proposes to repeal, which guarantees that an agency may enter into an interagency agreement with ITD subject to any applicable federal and state privacy laws governing disclosure and redisclosure of an agency's data.

SECTION 21: Clarifies language which moved licensure of water well contractors into the DWR and modified some of the originally proposed language for clarity and accuracy.

SECTION 22: No amendments made to this section.

Newly added SECTION 23: Originally section 61-04.1-08 was repealed. This section brings it back and just amends it to change all references to the "board of atmospheric resources" to the DWR.

SECTIONS 24- 36: No amendments made to these sections.

SECTIONS 37 and 38: These sections are amended to shift the funding to the water commission fund for disbursement.

SECTION 39: No amendments made to this section.

SECTIONS 40, 42, and 43: Internal citations were updated to reflect new numbering and the amendments made to the body of the bill.

I would stand for any questions.

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, 23-35-
4 02.2, 34-16-01, and 34-16-02, subsection 30 of section 38-14.1-02, subdivision t of subsection
5 1 of section 38-14.1-14, subsection 1 of section 50-06-01.4, section 52-02-02, 52-02-08,
6 subsection 1 of section 54-07-01.2, sections 54-54-05, 54-59-26, 54-59-27, 54-59-34, 54-59-
7 36, 54-59-37, 54-59-39, 61-03-01.3, 61-04.1-03, 61-04.1-08, 61-04.1-09, 61-04.1-12, 61-04.1-
8 14, 61-04.1-15, 61-04.1-16, 61-04.1-17, 61-04.1-18, 61-04.1-19, 61-04.1-20, 61-04.1-21, 61-
9 04.1-33, 61-04.1-34, 61-04.1-37, 61-04.1-38, and 61-04.1-39, and subdivision a of subsection
10 2 of section 65-02-03.1 of the North Dakota Century Code, relating to the wastewater
11 recycling treatment guide, boards and commissions, soil classifiers, the unemployment
12 insurance advisory council, gubernatorial appointments, the committee on aging, health
13 information technology advisory committee, statewide longitudinal data system committee,
14 atmospheric resource board, the department of health and human services, the council on the
15 arts, the state engineer, the superintendent of public instruction, job service North Dakota, and
16 workforce safety and insurance coordinating committee; to repeal chapter 8-11.1, section 12-
17 48-06.1, chapter 17-07, sections 15.1-37-05, 15.1-37-06, 15.1-37-08, 19-24.1-38, 19.1-24.1-
18 39, ~~and~~ 23-35-02.3, ~~chapters~~ 43-35-01 – 43-35-17, 43-35-20 – 43-35-23, ~~and~~ chapter 43-36,
19 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,
20 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,
21 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 61-04.1-
22 10, and chapter 61-36 of the North Dakota Century Code, relating to the Midwest interstate
23 passenger rail compact, prison industry advisory committee, energy policy commission,
24 medical marijuana advisory committee, onsite wastewater recycling technical committee, state
25 board of water well contractors, state board of registration for professional soil classifiers,
26 committee on aging, brain injury advisory council, early childhood council, unemployment
27 insurance advisory council, commission on the status of women, health information

- 1 technology advisory committee, statewide longitudinal data system committee, poet laureate
- 2 nominating board, rural development council, America 250 commission, atmospheric resource
- 3 board, and Devils Lake outlet management advisory committee; to provide an effective date;
- 4 and to provide an expiration date.

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

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

8 **6-09-43. Health information technology planning loan fund - Appropriation.**

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

1 collect interest and principal due the revolving loan fund under mortgages,
2 contracts, and notes executed to obtain loans under this section. If the applicant's
3 plan for financing provides for a loan of funds from sources other than the state of
4 North Dakota, the Bank may make a loan subordinate security interest. The Bank
5 may recover from the revolving loan fund amounts actually expended by the Bank
6 for legal fees and to effect a redemption.

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

9 j. The following gubernatorial appointees:

- 10 (1) ~~An individual representing the statewide longitudinal data system~~
11 ~~committee;~~
12 (2) An individual representing tribal school interests;
13 (3)(2) An individual employed as a public school administrator;
14 (4)(3) An individual employed as a public school principal;
15 (5)(4) An individual employed as a public elementary school teacher;
16 (6)(5) An individual employed as a public secondary school teacher;
17 (7)(6) A director of a special education unit; and
18 (8)(7) A director of a regional education association.

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

21 ~~**15.1-02-04. Superintendent of public instruction – Duties.**~~

22 ~~The superintendent of public instruction:~~

- 23 ~~1. Shall supervise the provision of elementary and secondary education to the~~
24 ~~students of this state.~~
25 ~~2. Shall supervise the establishment and maintenance of schools and provide advice~~
26 ~~and counsel regarding the welfare of the schools.~~
27 ~~3. Shall supervise the development of course content standards.~~
28 ~~4. Shall supervise the assessment of students.~~
29 ~~5. Shall serve as an ex officio member of the board of university and school lands.~~
30 ~~6. Shall keep a complete record of all official acts and appeals.~~
31 ~~7. As appropriate, shall determine the outcome of appeals regarding education~~
32 ~~matters.~~
33 ~~8. Shall direct school district annexation, reorganization, and dissolution and employ~~
34 ~~and compensate personnel necessary to enable the state board of public school~~

1 ~~education to carry out its powers and duties regarding school district annexation,~~
2 ~~reorganization, and dissolution.~~

3 ~~9. Shall facilitate a process to review and update annually the statewide~~
4 ~~prekindergarten through grade twelve education strategic vision. The process must~~
5 ~~include input and participation from a steering committee that includes~~
6 ~~representatives of all state-level entities receiving state education funding and~~
7 ~~education stakeholder groups. Each steering committee member entity receiving~~
8 ~~state education funds shall provide components of the entity's strategic plan which~~
9 ~~are aligned to the statewide strategic vision. The steering committee shall prepare~~
10 ~~a collaborative report of the strategic plans of each committee member entity~~
11 ~~receiving state education funds. The superintendent shall provide the collaborative~~
12 ~~report and any updates to the strategic vision to the legislative management during~~
13 ~~each interim and to a joint meeting of the education standing committees during~~
14 ~~each regular legislative session.~~

15 ~~10. Shall facilitate the development and implementation of a North Dakota learning~~
16 ~~continuum in collaboration with the department of career and technical education,~~
17 ~~upon the recommendation of the kindergarten through grade twelve education~~
18 ~~coordination council.~~

19 ~~11. Shall:~~

- 20 ~~a. Establish the terms and conditions under which a person may be authorized to~~
21 ~~access data through the statewide longitudinal data system;~~
- 22 ~~b. Require all statewide longitudinal data system administrators to implement~~
23 ~~approved data protection practices to ensure the security of electronic and~~
24 ~~physical data which must include requirements for encryption and staff training;~~
- 25 ~~c. Provide for biennial privacy and security audits of the statewide longitudinal~~
26 ~~data system;~~
- 27 ~~d. Establish protocols, including procedures, for the notification of students and~~
28 ~~parents in the event of a data breach involving the statewide longitudinal data~~
29 ~~system;~~
- 30 ~~e. Require that data retention and disposition by the statewide longitudinal data~~
31 ~~system be governed by the same policies as those instituted for the information~~
32 ~~technology department;~~
- 33 ~~f. Require the provision of annual training regarding data protection to any~~
34 ~~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 3. 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.

SECTION 4. AMENDMENT. Section 23-35-02.2 of the North Dakota Century Code is amended and reenacted as follows:

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

Each public health unit shall adopt the statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies established by the ~~onsite wastewater recycling technical committee~~department of health and human servicesenvironmental quality.

SECTION 5. AMENDMENT. Section 34-16-01 of the North Dakota Century Code is amended and reenacted as follows:

1 **34-16-01. Definitions.**

- 2 1. "Board" means an occupational or professional board established under title 43
3 and any other statutorily created board, commission, or council.
4 2. "Commissioner" means the labor commissioner.

5 **SECTION 6. AMENDMENT.** Section 34-16-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **34-16-02. Duties of commissioner.**

8 The commissioner shall gather information regarding the continuing education
9 requirements and the practice of licensing ~~out-of-state~~ practitioners for each ~~licensing~~ board
10 under title 43, the education standards and practices board, and the state board of law
11 examiners. The commissioner shall analyze the information to ~~develop-and~~ update a strategy
12 for more efficient continuing education requirements and more efficient practices for licensing
13 ~~out-of-state~~ practitioners. As necessary, the commissioner may recommend introduction of
14 legislation to implement this strategy.

15 **SECTION 7.** A new section to chapter 34-16 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Boards review task force.**

- 18 1. The commissioner shall provide staffing and administrative services to the boards
19 review task force. The task force shall:
20 a. Review and assess all boards for inefficiencies and duplication of
21 responsibilities; and
22 b. ~~Issue performance evaluations; and~~
23 ~~c.~~ Make recommendations to the legislative assembly regarding minimizing and
24 streamlining government operations through the consolidation or elimination of
25 boards.
26 2. In addition to the commissioner, who shall serve as the presiding officer of the task
27 force, the task force must include:
28 a. A member of the senate, appointed by the senate majority leader.
29 b. A member of the house of representatives, appointed by the house of
30 representatives majority leader.
31 c. A representative of an organization representing cities, appointed by the
32 governor.
33 d. A representative of an organization representing counties, appointed by the
34 governor.

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

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

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

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

17 **SECTION 8. AMENDMENT.** Subsection 30 of section 38-14.1-02 of the North Dakota
18 Century Code is amended and reenacted as follows:

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

25 **SECTION 9. AMENDMENT.** Subdivision t of subsection 1 of section 38-14.1-14 of the
26 North Dakota Century Code is amended and reenacted as follows:

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

31 **SECTION 10. AMENDMENT.** Subsection 1 of section 50-06-01.4 of the North Dakota
32 Century Code is amended and reenacted as follows:

33 1. The department includes the state hospital, the regional human service centers, a
34 vocational rehabilitation unit, public health division, and other units or offices and

1 administrative and fiscal support services as the commissioner of the department
2 determines necessary. The department must be structured to promote efficient and
3 effective operations and, consistent with fulfilling its prescribed statutory duties,
4 shall act as the official agency of the state in the discharge of the following
5 functions not otherwise by law made the responsibility of another state agency:

6 a. (1) Administration of programs for children and families, including adoption
7 services and the licensure of child-placing agencies, foster care services
8 and the licensure of foster care arrangements, certification of shelter care
9 services, child protection services, children's trust fund, licensure of early
10 childhood programs, refugee services, in-home community-based
11 services, quality control, and administration of the interstate compacts on
12 the placement of children and juveniles, and early childhood services
13 advisory council.

14 (2) Administration of programs to identify all available options for effectively
15 maximizing the provision of early childhood education services within the
16 state, address the coordinated utilization of facilities, and personnel, and
17 transportation, for the provision of early childhood education services
18 within the state.

19 ~~(3) Distribute grants, in the amount of two thousand dollars for each child~~
20 ~~enrolled in a program of early childhood education, if the child is eligible~~
21 ~~for free lunches under the Richard B. Russell National School Lunch Act~~
22 ~~[42 U.S.C. 1751, et seq.], and one thousand dollars for each child~~
23 ~~enrolled in a program of early childhood education, if the child is eligible~~
24 ~~for reduced lunches under the Richard B. Russell National School Lunch~~
25 ~~Act [42 U.S.C. 1751, et seq.].~~

26 b. Administration of programs for individuals with developmental disabilities,
27 including licensure of facilities and services, the establishment funding for
28 family members and corporate guardianships, and the design and
29 implementation of a community-based service system for persons in need of
30 habilitation.

31 c. Administration of aging service programs, including nutrition, transportation,
32 advocacy, social, ombudsman, recreation, and related services funded under
33 the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and
34 community-based services, and licensure of adult foster care homes, and the

committee on aging.

- d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention services, and twenty-four-hour crisis services for individuals with behavioral health disorders.
- e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.
- f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.
- g. Administration of general assistance.
- h. Administration of child support.
- i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.
- j. Administration of a program to improve the quality of life for an individual with brain injury and the individual's family through brain injury awareness, prevention, research, education, collaboration, support services, and advocacy.

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

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

The bureau may adopt, amend, or rescind ~~such~~ rules and regulations, make ~~such~~ expenditures, require ~~such~~ reports, make ~~such~~ investigations, and take ~~such~~ other action as it deems necessary or suitable in the administration of the North Dakota unemployment compensation law. ~~Such rules~~ All rules and regulations are effective upon publication in the manner, not inconsistent with the provisions of the North Dakota unemployment compensation law, which the bureau shall prescribe. The bureau shall determine its own organization and

1 methods of procedure in accordance with the provisions of the North Dakota unemployment
2 compensation law and shall have an official seal which shall be noticed judicially.

3 **SECTION 12. AMENDMENT.** Section 52-02-08 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **52-02-08. Bureau and advisory councils to take steps to stabilize employment.**

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

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

17 **SECTION 13. AMENDMENT.** Subsection 1 of section 54-07-01.2 of the North Dakota
18 Century Code is amended and reenacted as follows:

- 19 1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1, 12-
20 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,
21 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,
22 all members of the following boards and commissions must, subject to the
23 limitations of this section, be considered to have resigned from such boards and
24 commissions effective January first of the first year of each four-year term of the
25 governor:
 - 26 a. The aeronautics commission.
 - 27 b. The milk marketing board.
 - 28 c. The dairy promotion commission.
 - 29 d. The state banking board.
 - 30 e. The state credit union board.
 - 31 f. The advisory board of directors to the Bank of North Dakota.
 - 32 g. The pardon advisory board.
 - 33 h. The state parole board.
 - 34 i. The state board of public school education.

- 1 j. The education standards and practices board.
- 2 k. The board of trustees of the teachers' fund for retirement.
- 3 l. The state game and fish advisory board.
- 4 m. The environmental review advisory council.
- 5 n. The board of animal health.
- 6 o. The administrative committee on veterans' affairs.
- 7 p. ~~The committee on aging.~~
- 8 q. ~~The commission on the status of women.~~
- 9 r. The North Dakota council on the arts.
- 10 s. ~~q.~~ The state historical board.
- 11 t. ~~r.~~ The state water commission.

12 **SECTION 14. AMENDMENT.** Section 54-54-05 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **54-54-05. Duties of council.**

15 The duties of the council are:

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

33 **SECTION 15. AMENDMENT.** Section 54-59-26 of the North Dakota Century Code is
34 amended and reenacted as follows:

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

1. ~~The health information technology office is created in the department. The health information technology advisory committee shall make recommendations to the health information technology office for implementing an interoperable health information infrastructure that is consistent with emerging national standards; promote the adoption and use of electronic health records and other health information technologies; and promote interoperability of health information systems for the purpose of improving health care quality, patient safety, and the overall efficiency of health care and public health services.~~
2. The health information technology office director, ~~in collaboration with the health information technology advisory committee,~~ shall:
 - a. Apply for federal funds that may be available to assist the state and health care providers in implementing and improving health information technology.
 - b. Implement and administer a health information exchange that utilizes information infrastructure and systems in a secure and cost-effective manner to facilitate the collection, storage, and transmission of health records.
 - c. Adopt rules under chapter 28-32 for the use of health information, use of the health information exchange, and participation in the health information exchange.
 - d. Adopt rules under chapter 28-32 for accessing the health information exchange to ensure appropriate and required privacy and security protections and relating to the authority of the director to suspend, eliminate, or terminate the right to participate in the health information exchange.
 - e. Establish a health information technology planning loan program to provide low-interest loans to health care entities to assist those entities in improving their health information technology infrastructure under section 6-09-43.
 - f. Facilitate and expand electronic health information exchange in the state, directly or by awarding grants.
 - g. Establish an application process and eligibility criteria for and accept and process applications for loans and grants under subdivisions e and f. The eligibility criteria must be consistent with federal requirements associated with federal funds received under subdivision a. The eligibility criteria for loans under subdivision f must include a requirement that the recipient's approved

1 health information technology be strategically aligned with the state's health
2 information technology plan and the associated federal standards and that the
3 recipient has passed an onsite electronic medical record readiness assessment
4 conducted by an assessment team determined by ~~the health information-~~
5 ~~technology advisory committee and~~ the health information technology office
6 director.

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

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

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

22 **SECTION 16. AMENDMENT.** Section 54-59-27 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-59-27. Health information technology office - Electronic health information**
25 **exchange fund.**

- 26 1. There is created an electronic health information exchange fund. The fund consists
27 of moneys deposited in the fund from federal or other sources or moneys
28 transferred into the fund as directed by the legislative assembly. The health
29 information technology office shall administer this fund and shall distribute moneys
30 in the fund accordingly. The moneys in the fund must be used to facilitate and
31 expand electronic health information exchange. Moneys in the fund may be used,
32 subject to legislative appropriations, to provide services directly, for grants as
33 provided under this section, and for the costs of administration of the fund.
34 2. A grant applicant shall submit an application to the health information technology

1 office, which shall determine the applicant's eligibility based upon criteria
2 established by the health information technology office director ~~in collaboration with~~
3 ~~the health information technology advisory committee.~~

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

8 **SECTION 17. AMENDMENT.** Section 54-59-34 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **54-59-34. Statewide longitudinal data system ~~committee~~ – Information**
11 **technology department – Duties.**

- 12 1. The ~~statewide longitudinal data system committee~~information technology
13 department shall manage a statewide longitudinal data system among education,
14 workforce, and training entities that:
15 a. Provides for the dissemination of management information to stakeholders and
16 partners of state education, training, and employment systems;
17 b. Is required to provide on an annual basis to education and workforce
18 development programs, to the extent permitted by federal law, the wage record
19 interchange system 2 data sharing agreement and the state wage interchange
20 system data sharing agreement and state performance reports that measure
21 the aggregate outcomes of participants in the workforce and continuing
22 education programs, including private workforce and education programs that
23 request the reports; and
24 c. Uses data from educational and workforce systems as central sources of
25 statewide longitudinal data.

- 26 2. The department may, subject to federal and state privacy laws, enter interagency
27 agreements, including agreements designating authorized representatives of the
28 educational agencies participating in the system, pursuant to the Family
29 Educational Rights and Privacy Act [20 U.S.C. 1232G; 34 CFR 99].

- 30 2-3. The ~~statewide longitudinal data system committee~~department shall establish
31 policies and adopt rules addressing access to and the collection, storage, and
32 sharing of information and the systems necessary to perform those functions,
33 subject to applicable federal and state privacy laws and interagency agreements
34 and restrictions relating to confidential information required to conform to applicable

1 federal and state privacy laws.

2 ~~3.4.~~ The ~~statewide longitudinal data system committee~~department shall provide
3 operational oversight for information sharing activities and make recommendations
4 for and provide oversight of information sharing budgets.

5 ~~4.5.~~ The ~~statewide longitudinal data system committee in consultation with the~~
6 ~~information technology~~ department shall:

- 7 a. Establish the terms and conditions under which a person may be authorized to
8 access data through the statewide longitudinal data system;
9 b. Direct that all statewide longitudinal data system administrators implement
10 approved data protection practices to ensure the security of electronic and
11 physical data, provided that the practices include requirements for encryption
12 and staff training;
13 c. Provide for biennial privacy and security audits of the statewide longitudinal
14 data system;
15 d. Establish protocols, including procedures, for the notification of students and
16 parents in the event of a data breach involving the statewide longitudinal data
17 system;
18 e. Require that data retention and disposition by the statewide longitudinal data
19 system be governed by the same policies as those instituted for the information
20 technology department; and
21 f. Require the provision of annual training regarding data protection to any
22 individuals who have access to the statewide longitudinal data system,
23 including school district employees, employees of the North Dakota university
24 system office and institutions under the control of the state board of higher
25 education, and elected or appointed state or local governmental officials.

26 6. The department may authorize studies to benefit and improve workforce training
27 and education.

28 **SECTION 18. AMENDMENT.** Section 54-59-36 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **54-59-36. Statewide longitudinal data system ~~committee~~ – Report to legislative**
31 **management.**

32 During each interim the ~~statewide longitudinal data system committee~~department shall
33 provide a report regarding the statewide longitudinal data system to one or more committees
34 designated by the legislative management and shall provide recommendations for further

development, cost proposals, proposals for legislation, and recommendations for data sharing governance.

SECTION 19. AMENDMENT. Section 54-59-37 of the North Dakota Century Code is amended and reenacted as follows:

54-59-37. Statewide longitudinal data system ~~committee~~ – Continuing appropriation.

The ~~statewide longitudinal data system committee~~department may solicit and receive gifts, grants, and donations from public and private sources. Any moneys received in accordance with this section are appropriated on a continuing basis for the support of the statewide longitudinal data system.

SECTION 20. AMENDMENT. Section 54-59-39 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The information technology department may request from any state agency:
 - a. All information required by 20 U.S.C. 9871(e)(2)(D);
 - b. Any other educational information ~~the statewide longitudinal data system committee determines~~ is required for a longitudinal data system to comply with state or federal law; and
 - c. Unemployment insurance wage data from job service North Dakota for education and workforce development program evaluations, except that the information technology department may not redisclose any data identifying an individual unless the redisclosure is expressly permitted by a written agreement between job service North Dakota and the department or is otherwise expressly permitted or required by federal or state law.
2. A state agency providing information requested pursuant to subsection 1 shall enter an interagency agreement with the information technology department identifying the applicable federal and state privacy laws and agency established restrictions relating to its confidential information that the agency has determined is required to conform to applicable federal and state privacy laws.
3. Subject to applicable restrictions on the use and disclosure of confidential information required to comply with federal and state privacy laws and the terms of the interagency agreement, any state agency receiving a request for information under subsection 1 shall provide the information at the time and in the manner required by the information technology department.

SECTION 21. AMENDMENT. Section 61-03-01.3 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The director shall:
 - a. Enforce all rules adopted by the department;
 - b. Hire a state engineer who is a qualified professional engineer, has appropriate hydrology experience, and will report to the director;
 - c. Hire other employees as necessary to carry out the duties of the department and director;
 - d. Organize the department in an efficient manner; and
 - e. Take any other action necessary and appropriate for administration of the department.
 - f. Adopt rules to ~~regulate~~ license water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.
 - g. Advise the governor and the state water commission regarding operations of Devils Lake outlets.
 - h. Recommend ~~criteria for operation of each outlet based on~~ an operational plan for the Devils Lake outlet based on outflow volumes, Sheyenne River capacity and water quality considerations, ~~and the risk of an overflow of Devils Lake.~~
2. The state engineer is responsible for and shall manage the department's oversight of dam safety, water appropriations, and construction and drainage permits, and associated technical duties related to public safety and property protection.

SECTION 22. AMENDMENT. Section 61-04.1-03 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-03. Definitions.

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

1. "Board" means the North Dakota atmospheric resource board which, in the exercise of the powers granted under this chapter, has all of the powers of an administrative agency as defined in chapter 28-32.
2. "Controller" refers to any licensee duly authorized in this state to engage in weather modification operations.
- ~~3.~~ 2. "Geographical region" means a geographical area with a contiguous boundary that may enclose a portion of any county or counties.

1 4.3. "Hail suppression" refers to the activation of any process that will reduce, modify,
2 suppress, eliminate, or soften hail formed in clouds or storms.

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

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

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

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

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

25 10.9. "Weather modification authority" means the governing body created by a board of
26 county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27, 61-
27 04.1-29, or 61-04.1-31.

28 **SECTION 23. AMENDMENT.** Section 61-04.1-08 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **61-04.1-08. Powers and duties of ~~board~~department.**

31 The ~~board~~department has the following powers and duties:

32 1. ~~The board shall appoint an executive director to serve at the board's discretion and~~
33 ~~to perform duties assigned by the board.~~

34 2. ~~The board shall authorize the employment of staff the board deems necessary to~~

~~carry out the provisions of this chapter. The executive director shall hire the staff,
subject to the approval of the board.~~

~~3.1.~~ The ~~board~~department shall adopt rules concerning qualifications, procedures, and conditions for issuance, revocation, suspension, and modification of licenses and permits; standards and instructions governing weather modification operations, including monitoring and evaluation, recordkeeping, and reporting, and the ~~board~~department shall establish procedures and forms for this recordkeeping and reporting. The ~~board~~department may adopt all other rules necessary to the administration of this chapter. The provisions of chapter 28-32 apply to this chapter and rules of the ~~board~~department must be published in the North Dakota Administrative Code.

~~4.2.~~ The ~~board~~department may contract with any person to carry out weather modification operations and, in connection with regulated weather modification operations in a county or geographical region, shall carry on monitoring and evaluation activities.

~~5.3.~~ The ~~board~~department may order any person who is conducting weather modification operations in violation of this chapter or any rules adopted to implement this chapter, to cease and desist from those operations and the order is enforceable in any court of competent jurisdiction within this state.

~~6.4.~~ The ~~board~~department may cooperate and contract with any person engaged in activities similar to the work of the ~~board~~department and may make contracts and agreements to carry out programs consistent with the purpose and intent of this chapter. The ~~board~~department may request and accept any grants of funds or services from any person and expend these funds or use these services to carry out this chapter.

~~7.5.~~ The ~~board~~department shall monitor the current state of knowledge regarding the magnitude and impacts of possible regional and global climatic changes and shall provide information to other state agencies that may benefit from this knowledge.

~~8.6.~~ The ~~board~~department shall administer and enforce the provisions of this chapter and do all things reasonably necessary to effectuate the purposes of this chapter.

~~9.7.~~ The ~~board~~department may plan and study a hail suppression pilot program that would provide urban and rural hail suppression operations statewide or to any portion of the state.

SECTION 24. AMENDMENT. Section 61-04.1-09 of the North Dakota Century Code is

1 amended and reenacted as follows:

2 **61-04.1-09. ~~Board~~Department of water resources to establish research and**
3 **development program - Hail suppression pilot program.**

- 4 1. The ~~board~~department of water resources shall establish a program of weather
5 modification research and development in this state. The ~~board~~department shall
6 supervise and coordinate all research and development activities in the state or
7 research and development activities outside of the state participated in or
8 conducted by any state institution or state or county agency.
- 9 2. If the ~~board~~department plans and studies a hail suppression pilot program, the
10 ~~board~~department may conduct a planning phase that includes studying the impact
11 on the environment, providing public education, and formulating an operations
12 plan.

13 **SECTION 25. AMENDMENT.** Section 61-04.1-12 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **61-04.1-12. Exemptions.**

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

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

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

25 **SECTION 26. AMENDMENT.** Section 61-04.1-14 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **61-04.1-14. Issuance of license – Fee.**

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

- 31 1. Pays a license fee of fifty dollars.
- 32 2. Demonstrates competence to engage in weather modification operations, to the
33 satisfaction of the ~~board~~department.
- 34 3. Designates an agent for the service of process pursuant to section 61-04.1-13 or

1 chapter 10-19.1.

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

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

9 **61-04.1-15. Revocation or suspension of license.**

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

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

18 **SECTION 28. AMENDMENT.** Section 61-04.1-16 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **61-04.1-16. Permit required - Issuance of permit - Fee.**

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

1 proposed operation and shows the area that is reasonably expected to be
2 affected by such operation, a statement of the approximate time during which
3 the operation is to be conducted, a list of the materials and methods to be used
4 in conducting the operation, and such other detailed information as may be
5 needed to describe the operation.

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

- 7 a. The applicant holds a valid weather modification license issued under this
8 chapter.
- 9 b. The applicant has furnished satisfactory proof of financial responsibility in
10 accordance with section 61-04.1-19.
- 11 c. The applicant has paid the required application fee.
- 12 d. The operation:
- 13 (1) Is reasonably conceived to improve water quantity or quality, reduce loss
14 from weather hazards, provide economic benefits for the people of this
15 state, advance scientific knowledge, or otherwise carry out the purposes of
16 this chapter.
- 17 (2) Is designed to include adequate safeguards to minimize or avoid possible
18 damage to the public health, safety, welfare, or the environment.
- 19 (3) Will not adversely affect another operation for which a permit has been
20 issued.
- 21 e. The applicant has North Dakota workforce safety and insurance coverage for
22 all employees working in this state.
- 23 f. The applicant has furnished a performance bond as required by section 61-
24 04.1-34.
- 25 g. The applicant has complied with such other requirements for the issuance of
26 permits as may be required by the rules ~~and regulations~~ of the
27 ~~board~~department.
- 28 h. The applicant has furnished a bid bond.
- 29 i. The applicant has registered, with the North Dakota aeronautics commission,
30 any aircraft intended to be used in connection with the operation.

31 To carry out the objectives and purposes of this chapter, the ~~board~~department may
32 condition and limit permits as to primary target areas, time of the operation,
33 materials, equipment, and methods to be used in conducting the operation,
34 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.

SECTION 29. AMENDMENT. Section 61-04.1-17 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-17. Hearings.

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

SECTION 30. AMENDMENT. Section 61-04.1-18 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

If it appears to the ~~board~~department that an emergency situation exists or is impending which could endanger the public's health, safety, welfare, or the environment, the ~~board~~department may, without prior notice or hearing, immediately modify the conditions or limits of a permit, or order temporary suspension of a permit. The issuance of such an order ~~shall~~must include notice of a hearing to be held within ten days thereafter on the question of permanently modifying the conditions and limits or continuing the suspension of the permit. Failure to

1 comply with an order temporarily suspending an operation or modifying the conditions and
2 limits of a permit ~~shall be~~ grounds for immediate revocation of the license and permit of the
3 person controlling or engaged in the operation.

4 **SECTION 31. AMENDMENT.** Section 61-04.1-19 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **61-04.1-19. Proof of financial responsibility.**

7 Proof of financial responsibility is made by showing to the satisfaction of the
8 ~~board~~department of water resources that the permittee has the ability to respond in damages
9 to liability which might reasonably result from the operation for which the permit is sought.

10 ~~Such proof~~Proof of financial responsibility may be shown by:

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

16 **SECTION 32. AMENDMENT.** Section 61-04.1-20 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **61-04.1-20. ~~Board~~Department of water resources may create operating districts -**
19 **Representation of noncontracting counties.**

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

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

31 **61-04.1-21. District operations advisory committees created - Duties.**

- 32 1. There must be a district operations advisory committee in each operations district
33 created in accordance with section 61-04.1-20. Each committee must be
34 composed of one commissioner of the weather modification authority, if a weather

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

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

15 **SECTION 34. AMENDMENT.** Section 61-04.1-33 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **61-04.1-33. Bids required – When.**

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

27 **SECTION 35. AMENDMENT.** Section 61-04.1-34 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **61-04.1-34. Performance bond, cash, or negotiable securities required.**

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

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

3 **SECTION 36. 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
7 is not an ultrahazardous or abnormally dangerous activity which makes the
8 permittee subject to liability without fault.
- 9 2. Dissemination of materials and substances into the atmosphere by a permittee
10 acting within the conditions and limits of the permittee's permit ~~shall~~do not
11 constitute 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
19 in any legal action which may be brought against the person.

20 **SECTION 37. 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
24 state any funds that are offered or become available from any federal grant or appropriation,
25 private gift, donation, or bequest, county funds, or funds from any other source except license
26 and permit fees, and to expend these funds for the expense of administering this chapter, and,
27 with 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.

32 All federal grants, federal appropriations, private gifts, donations, or bequests, county
33 funds, or funds from any other source except license and permit fees, received by the
34 ~~board~~department must be paid over to the state treasurer, who shall credit this amount to a-

1 ~~special fund in the state treasury known as the state weather modification fund~~the water
2 commission fund. All proceeds deposited by the state treasurer in the ~~state weather-~~
3 ~~modification~~water commission fund are appropriated to the ~~board~~department and, if
4 expended, must be disbursed by warrant-check prepared by the office of management and
5 budget upon vouchers submitted by the ~~board~~department and must be used for the purpose of
6 paying for the expense of administration of this chapter and, with the exception of county
7 funds or funds from any other person contracting with the ~~board~~department for weather
8 modification operations, for the encouragement of research and development in weather
9 modification by any private person, the North Dakota state university, the university of North
10 Dakota, or any other appropriate state, county, or public agency by direct grant, contract, or
11 other means.

12 **SECTION 38. AMENDMENT.** Section 61-04.1-39 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **61-04.1-39. Payment for weather modification – State to provide funds.**

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

23 **SECTION 39. AMENDMENT.** Subdivision a of subsection 2 of section 65-02-03.1 of
24 the North Dakota Century Code is amended and reenacted as follows:

- 25 a. A departing member representing an employer must be replaced by a member
26 representing an employer, most of whose employees are in a different rate
27 classification than those of the employer represented by the departing member.
28 ~~The governor shall appoint the member for an employer representative from a~~
29 ~~list of three potential candidates submitted by a coordinating committee~~
30 ~~appointed by the governor, composed of representatives from the associated~~
31 ~~general contractors of North Dakota, the North Dakota petroleum council, the~~
32 ~~greater North Dakota chamber of commerce, the North Dakota motor carriers~~
33 ~~association, the North Dakota hospital association, the national federation of~~
34 ~~independent business, the lignite energy council, and other statewide business~~

1 interests.

2 **SECTION 40. REPEAL.** Chapter 8-11.1, section 12-48-06.1, chapter 17-07, sections
3 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-
4 35-~~01~~ – 43-35-17, 43-35-20 – 43-35-23, ~~and~~ chapter 43-36, sections 50-06-05.6, 50-06.4-10,
5 50-11.1-25, 50-11.1-26, 50-11.1-27, 52-02-07, 54-34.3-10, 54-54-10, 54-59-25, 54-59-33, ~~54-~~
6 ~~59-34~~, 54-59-35, ~~54-59-36~~, ~~54-59-37~~, 54-59-38, 54-60-25, 61-04.1-04, 61-04.1-05, 61-04.1-
7 06, 61-04.1-07, ~~61-04.1-08~~, and 61-04.1-10, and chapter 61-36 of the North Dakota Century
8 Code are repealed.

9 **SECTION 41. REPEAL.** Sections 55-01-13 and 55-01-14 of the North Dakota Century
10 Code are repealed.

11 **SECTION 42. EFFECTIVE DATE.** Section ~~38~~41 of this Act is effective December 31,
12 2026.

13 **SECTION 43. EXPIRATION DATE.** Section ~~8~~7 of this Act is effective through
14 December 1, 2026, and after that date is ineffective.

Memorandum

To: Chairman Roers, Members of Senate State and Local Government Committee

Re: Section by Section Effect of Amended SB 2308.

Section 1. Removes references to the health information technology advisory committee (*repealed in section 40*).

Section 2. Removes the representative from the statewide longitudinal data system (SLDS) committee (*repealed in section 40*) from the kindergarten through grade twelve education coordination council.

Section 3. Transfers the ability to exempt a school district from having to implement and utilize the state student information system from the SLDS committee (*repealed in section 40*) to the superintendent of public instruction.

Section 4. Changes the responsibility to establish the statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies from the onsite wastewater recycling technical committee (*repealed in section 40*) to the Department of Environmental Quality (DEQ).

Section 5. Adds any statutorily created board, commission, or council, to the definition of "board" as used in N.D.C.C. chapter 34-16. This change relates to section 7 of the bill.

Section 6. Cleans up the language of the statute to better align with the goals of Section 7 and to avoid duplication of efforts made under the prior administration.

Section 7. Creates the boards review task force and removes the administrative requirement that the task force issue performance evaluations of all the boards and focuses on recommendations for streamlining government operations.

Section 8. Removes the reference to section 43-36-01 and replaces it with a definition of a soil classifier because chapter 43-36 related to professional soil classifiers is repealed in section 40.

Section 9. Removes the word "professional" and the reference to section 43-36-01 (*chapter 43-36 is repealed by section 40*) and instead refers to the definition inserted by section 8 of the bill.

Section 10. Moves the duties of the North Dakota early childhood services advisory council under DHHS, moves the administration of early childhood services programs under DHHS, and moves the duties of the brain injury advisory council under DHHS.

Section 11. Technical corrections.

Section 12. Removes references to the state unemployment insurance advisory council (*repealed in section 40*).

Section 13. Removes references to chapters which are repealed in section 40.

Section 14. Moves the duties of the poet laureate nominating board (*repealed in section 40*) under the Council on the Arts.

Sections 15-16. Removes references to the health information technology advisory committee (*repealed in section 40*).

Sections 17-19. Moves the duties of the SLDS committee to ITD, requires ITD to provide a report to legislative management, and allows ITD to receive continuing appropriation.

Section 20. Allows ITD to request data from state agencies in order for the SLDS to comply with federal or state law and requires state agencies providing information with ITD to identify and apply the relevant state and federal privacy laws and agency restrictions regarding uses of confidential information.

Section 21. Moves the duties of the board of water well contractors and Devils Lake outlets management advisory committee to the State Engineer.

Section 22. Removes a reference to the atmospheric resource board (*repealed in section 40*)

Section 23-38. Moves the powers and duties of the atmospheric resource board (*repealed in section 40*) to the Department of Water Resources regarding licensure, permitting, contracting, licensure disciplinary actions, and regulation of weather modification.

Section 39. Removes coordinating committee from Century Code.

Section 40. Repeals the following:

- Chapter 8-11.1 (midwest interstate passenger rail compact)
- Section 12-48-06.1 (prison industry advisory committee)
- Sections 15.1-37-05, 15.1-37-06, and 15.1-37-08 (early childhood education program)
- Chapter 17-07 (energy policy commission)
- Section 19-24.1-38 (medical marijuana advisory committee)
- Section 23-35-02.3 (onsite wastewater recycling technical committee)
- Chapter 43-35-01 – 43-35-17, 43-35-20 – 43-35-23 (board of water well contractors)
- Chapter 43-36 (state board of registration for professional soil classifiers)
- Section 50-06.4-10 (brain injury advisory council)
- Section 52-02-07 (state unemployment insurance advisory council)
- Section 54-34.3-10 (commission on the status of women)
- Section 54-54-10 (Poet Laureate nominating board)
- Section 54-59-25 (health information technology advisory committee)
- Sections 54-59-33, 54-59-35, and 54-59-38 (statewide longitudinal data system committee)
- Section 54-60-25 (North Dakota rural development council)
- Sections 61-04.1-04, 61-04.1-05, 61-04.1-06, 61-04.1-07, and 61-04.1-10 (North Dakota atmospheric resource board)
- Chapter 61-36 (Devils Lake outlets management advisory committee)

Section 41. Repeal.

- Sections 55-01-13 and 55-01-14 (America 250 commission)

Section 42. Effective Date.

- Makes Section 41 (the repeal of the America 250 commission) effective on December 31, 2026.

Section 43. Expiration Date.

- Repeals the boards review task force (Section 7 of the bill) effective on December 2, 2026.



GREATER NORTH DAKOTA CHAMBER
SB 2308
Senate State and Local Government Committee
Chair Kristen Roers
Feb. 6, 2025

Mr. Chairman and members of the Committee, my name is Arik Spencer, and I am the President and CEO of the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state. We stand in **Support of Senate Bill 2308 if amended**.

SB 2308 seeks to reduce the number of boards and commissions in North Dakota. One of the boards proposed for removal is the WSI Coordinating Committee. This committee is comprised of North Dakota business associations and outlines how the employer representatives on the WSI board are appointed.

We agree this committee does not need to be an official board/commission, but the proposed bill removes the employer stakeholders from the WSI board nomination process while leaving the nomination process in place for the labor and medical representatives.

Under the existing process, business associations gather biennially to solicit nominations for the various employer WSI board seats and provide the Governor with three names for each position for appointment. This process has worked well and is one reason why the worker's compensation system in North Dakota is nationally respected.

The members of the committee, including the Associated General Contractors of North Dakota, the North Dakota Petroleum Council, the Greater North Dakota Chamber, the North Dakota Motor Carriers Association, the North Dakota Hospital Association, the National Federation of Independent Business, and the Lignite Energy Council are supportive of SB 2308 if it is amended to leave the nomination process in place. We consulted WSI and the Governor's Office about our request, and neither opposed an amendment.

As such, I have attached our recommended amendment to this testimony for your consideration.

Thank you, and I am happy to answer any questions you may have.

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

- a. A departing member representing an employer must be replaced by a member representing an employer, most of whose employees are in a different rate classification than those of the employer represented by the departing member. The governor shall appoint the member for an employer representative from a list of three potential candidates submitted by ~~a coordinating committee appointed by the governor, composed of representatives from the~~ organization. The organization shall accept qualified candidate recommendations received from representatives from the associated general contractors of North Dakota, the North Dakota petroleum council, the greater North Dakota chamber of commerce, the North Dakota motor carriers association, the North Dakota hospital association, the national federation of independent business, the lignite energy council, and other statewide business interests.

WSI Board of Directors

WSI's Board of Directors is appointed by the Governor of North Dakota with members serving 4-year terms and may not serve more than two consecutive terms. Eight of the members are appointed by the Governor based on 3 potential candidates submitted by the respective stakeholder groups. Three of the members are appointed solely by the Governor.

Some of the key statutory responsibilities include providing recommendations to the Governor regarding:

1. Premium Rates,
2. Dividends,
3. Legislation affecting the organization, and
4. The WSI Fund's Investment Allocation

The 11-member WSI Board of Directors consists of:

Employer Representatives (6 members representing employers with active accounts with WSI)—appointed by Governor based on 3 potential candidates submitted by the business groups

- Dean Anagnost, Chief Governing Officer (CGO), Employer Representative (under \$25,000)
January 2022 – December 2025
- William Jerome, Employer Representative (over \$25,000)
January 2024 – December 2027
- Kent Kirkhammer, Employer Representative (over \$25,000)
January 2022 – December 2025
- Brad Maier, Employer Representative (under \$10,000)
January 2022 – December 2025
- Amber Schoenborn, Employer Representative (employer-at-large)
January 2024 – December 2027
- Charles Steffan, Employer Representative (employer-at-large)
January 2022 – December 2025

Employee Representatives (3 members; one must represent organized labor and one must have received WSI wage-loss benefits)

- Jason Ehlert, Employee Representative (organized labor)—appointed by Governor based on 3 potential candidates submitted by a labor organization that is statewide in scope
January 2023 – December 2025
- Ricky Richard, Employee Representative (WSI benefit recipient)—appointed by Governor, must have received WSI wage-loss benefits
December 2022 – December 2025
- Joshua Jeffers, At Large Employee Representative—appointed by Governor
January 2024 – December 2027

ND Medical Association Representative (1 member)

- Dr. Laura Matzke Bitterman, ND Medical Association—appointed by Governor based on 3 potential candidates submitted by the ND Medical Association
January 2024 – December 2027

Member-at-Large Representative (1 member; ND resident and over the age of 21)

- Chris Whalen, Vice-CGO, Member-at-large—appointed by Governor
January 2024 – December 2027

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2308
2/14/2025

Relating to a boards review task force; and to the wastewater recycling treatment guide, boards and commissions, soil classifiers, the unemployment insurance advisory council, gubernatorial appointments, the committee on aging, health information technology advisory committee, statewide longitudinal data system committee, atmospheric resource board, the department of health and human services, the council on the arts, the state engineer, the superintendent of public instruction, job service North Dakota, and workforce safety and insurance coordinating committee, the Midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee, onsite wastewater recycling technical committee, state board of water well contractors, state board of registration for professional soil 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.

10:41 a.m. Chair Roers called the hearing to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Task force
- Office of the Governor
- Professionals as board members
- Board duplications

10:41 a.m. Chair Roers submitted proposed amendment testimony #37735.

10:43 a.m. Chris Joseph, General Counsel for Governor Armstrong, answered questions from the committee.

10:46 a.m. Jacy Schafer, Deputy Chief of Staff for Governor Armstrong, answered questions from the committee.

11:09 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

25.0776.02002
Title.

Prepared by the Legislative Council
staff for Senator Roers
February 12, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2308

Introduced by

Senators Roers, Hogue

Representatives Lefor, Louser

A BILL for an Act to create and enact a new section to chapter ~~34-16~~54-07 of the North Dakota Century Code, relating to a boards review task force; to amend and reenact section 6-09-43, subdivision j of subsection 2 of section 15.1-01-04, sections 15.1-02-04, 15.1-07-33, and 23-35-02.2, ~~34-16-01, and 34-16-02~~, subsection 30 of section 38-14.1-02, subdivision t of subsection 1 of section 38-14.1-14, subsection 1 of section 50-06-01.4, section 52-02-02, 52-02-08, subsection 1 of section 54-07-01.2, sections 54-54-05, 54-59-26, 54-59-27, 54-59-39, 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, 61-04.1-17, 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, 61-04.1-38, and 61-04.1-39, and subdivision a of subsection 2 of section 65-02-03.1 of the North Dakota Century Code, relating to the wastewater recycling treatment guide, boards and commissions, soil classifiers, the unemployment insurance advisory council, gubernatorial appointments, the committee on aging, health information technology advisory committee, statewide longitudinal data system committee, atmospheric resource board, the department of health and human services, the council on the arts, the state engineer, the superintendent of public instruction, job service North Dakota, and workforce safety and insurance coordinating committee; to repeal chapter 8-11.1, section 12-48-06.1, chapter 17-07, sections 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~~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, 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, 54-59-38, 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 61-04.1-10, and chapter 61-36 of the North Dakota Century Code, relating to occupational and 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

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.

- 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;

- b. Require all statewide longitudinal data system administrators to implement approved data protection practices to ensure the security of electronic and physical data which must include requirements for encryption and staff training;
- c. Provide for biennial privacy and security audits of the statewide longitudinal data 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 committees~~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.

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

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

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

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

~~— **34-16-01. Definitions.**~~

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

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

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

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

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

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

Boards review task force.

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

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

~~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 6. 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 the physical, chemical, and biological sciences applicable to soils as natural bodies and of the methods and principles of soil classification as acquired by soils education and soil classification experience in the formation, morphology, description, and mapping of soils is qualified to practice soil classifying.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The bureau, ~~with the advice and aid of its advisory councils, and~~ through its appropriate 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

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

54-54-05. Duties of council.

The duties of the council are:

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

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

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

1. ~~The health information technology office is created in the department. The health information technology advisory committee shall make recommendations to the health information technology office for implementing an interoperable health information infrastructure that is consistent with emerging national standards; promote the adoption and use of electronic health records and other health information technologies; and promote interoperability of health information systems for the purpose of improving health care quality, patient safety, and the overall efficiency of health care and public health services.~~
2. The health information technology office director, ~~in collaboration with the health information technology advisory committee,~~ shall:
 - a. Apply for federal funds that may be available to assist the state and health care providers in implementing and improving health information technology.
 - b. Implement and administer a health information exchange that utilizes information infrastructure and systems in a secure and cost-effective manner to facilitate the collection, storage, and transmission of health records.
 - c. Adopt rules under chapter 28-32 for the use of health information, use of the health information exchange, and participation in the health information exchange.
 - d. Adopt rules under chapter 28-32 for accessing the health information exchange to ensure appropriate and required privacy and security protections and relating to the authority of the director to suspend, eliminate, or terminate the right to participate in the health information exchange.
 - e. Establish a health information technology planning loan program to provide low-interest loans to health care entities to assist those entities in improving their health information technology infrastructure under section 6-09-43.
 - f. Facilitate and expand electronic health information exchange in the state, directly or by awarding grants.
 - g. Establish an application process and eligibility criteria for and accept and process applications for loans and grants under subdivisions e and f. The eligibility criteria must be consistent with federal requirements associated with federal funds

received under subdivision a. The eligibility criteria for loans under subdivision f must include a requirement that the recipient's approved health information technology be strategically aligned with the state's health information technology plan and the associated federal standards and that the recipient has passed an onsite electronic medical record readiness assessment conducted by an assessment team determined by ~~the health information technology advisory 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 15. 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.~~

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

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

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

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

SECTION 17. AMENDMENT. Section 61-03-01.3 of the North Dakota Century Code is 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~~department

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

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

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

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

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

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

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

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

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~~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~~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 contractdepartment 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 ~~no a~~ 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 ~~it~~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. ~~Board~~Department 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.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2308
2/20/2025

Relating to a boards review task force; and to the wastewater recycling treatment guide, boards and commissions, soil classifiers, the unemployment insurance advisory council, gubernatorial appointments, the committee on aging, health information technology advisory committee, statewide longitudinal data system committee, atmospheric resource board, the department of health and human services, the council on the arts, the state engineer, the superintendent of public instruction, job service North Dakota, and workforce safety and insurance coordinating committee, the Midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee, onsite wastewater recycling technical committee, state board of water well contractors, state board of registration for professional soil 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.

3:21 p.m. Chair Roers called the hearing to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Power of law
- Ethical considerations
- Task force

3:21 p.m. Chair Roers provided information that she collected regarding Professional Soil Classifiers.

3:23 p.m. Perry Sullivan, Chairman of the ND Professional Soil Classifiers, answered questions from the committee.

3:37 p.m. Lance Loken, President and Geologist Western Plains Consulting, verified information provided to the committee.

3:48 p.m. Chair Roers introduced the proposed amendment LC# 25.0776.02003 and submitted testimony #38252.

4:08 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

25.0776.02003
Title.

Prepared by the Legislative Council
staff for Senator Roers
February 18, 2025

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~~23.1-01, a new section to
2 chapter 54-07, and a new section to chapter 61-03 of the North Dakota Century Code, relating
3 to standards for well drilling and installation of water well pumps, pitless units, and monitoring
4 wells, a boards review task force, and requirements for firms engaged in water well work,
5 installation of water well pump and pitless units, monitoring well work, and drilling of geothermal
6 systems; to amend and reenact section 6-09-43, subdivision j of subsection 2 of section
7 15.1-01-04, sections ~~15.1-02-04~~, 15.1-07-33, and 23-35-02.2, ~~34-16-01~~, and ~~34-16-02~~,
8 subsection 30 of section 38-14.1-02, subdivision t of subsection 1 of section 38-14.1-14,
9 subsection 1 of section 50-06-01.4, ~~section~~sections 52-02-02, and 52-02-08, subsection 1 of
10 section 54-07-01.2, sections 54-54-05, 54-59-26, 54-59-27, ~~54-59-34~~, 54-59-36, 54-59-37,
11 54-59-39, 61-03-01.3, 61-04.1-03, 61-04.1-08, 61-04.1-09, 61-04.1-12, 61-04.1-14, 61-04.1-15,
12 61-04.1-16, 61-04.1-17, 61-04.1-18, 61-04.1-19, 61-04.1-20, 61-04.1-21, 61-04.1-33,
13 61-04.1-34, 61-04.1-37, 61-04.1-38, and 61-04.1-39, and subdivision a of subsection 2 of
14 section 65-02-03.1 of the North Dakota Century Code, relating to the wastewater recycling
15 treatment guide, boards and commissions, soil classifiers, the unemployment insurance
16 advisory council, gubernatorial appointments, the committee on aging, health information
17 technology advisory committee, statewide longitudinal data system committee, atmospheric
18 resource board, the department of health and human services, the council on the arts, the state
19 engineer, the superintendent of public instruction, job service North Dakota, and workforce
20 safety and insurance coordinating committee; to repeal chapter 8-11.1, section 12-48-06.1,
21 chapter 17-07, sections 15.1-37-05, 15.1-37-06, 15.1-37-08, 19-24.1-38, 19.1-24.1-39, and
22 23-35-02.3, chapters ~~34-16~~, 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, 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,~~ 54-59-38, 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 61-04.1-10, and chapter 61-36 of the North Dakota
Century Code, relating to occupational and professional boards, the midwest interstate
passenger rail compact, prison industry advisory committee, energy policy commission, medical
marijuana advisory committee, onsite wastewater recycling technical committee, state board of
water well contractors, state board of registration for professional soil 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 for a legislative management report; 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;
- (2) An individual employed as a public school administrator;
- (3) An individual employed as a public school principal;
- (4) An individual employed as a public elementary school teacher;
- (5) An individual employed as a public secondary school teacher;
- (6) A director of a special education unit; and
- (7) A director of a regional education association.

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

3 ~~— **15.1-02-04. Superintendent of public instruction – Duties.**~~

4 ~~— The superintendent of public instruction:~~

5 ~~— 1. Shall supervise the provision of elementary and secondary education to the students-~~
6 ~~of this state.~~

7 ~~— 2. Shall supervise the establishment and maintenance of schools and provide advice and~~
8 ~~counsel regarding the welfare of the schools.~~

9 ~~— 3. Shall supervise the development of course content standards.~~

10 ~~— 4. Shall supervise the assessment of students.~~

11 ~~— 5. Shall serve as an ex-officio member of the board of university and school lands.~~

12 ~~— 6. Shall keep a complete record of all official acts and appeals.~~

13 ~~— 7. As appropriate, shall determine the outcome of appeals regarding education matters.~~

14 ~~— 8. Shall direct school district annexation, reorganization, and dissolution and employ and~~
15 ~~compensate personnel necessary to enable the state board of public school education-~~
16 ~~to carry out its powers and duties regarding school district annexation, reorganization,~~
17 ~~and dissolution.~~

18 ~~— 9. Shall facilitate a process to review and update annually the statewide prekindergarten-~~
19 ~~through grade twelve education strategic vision. The process must include input and~~
20 ~~participation from a steering committee that includes representatives of all state-level~~
21 ~~entities receiving state education funding and education stakeholder groups. Each~~
22 ~~steering committee member entity receiving state education funds shall provide-~~
23 ~~components of the entity's strategic plan which are aligned to the statewide strategic~~
24 ~~vision. The steering committee shall prepare a collaborative report of the strategic~~
25 ~~plans of each committee member entity receiving state education funds. The~~
26 ~~superintendent shall provide the collaborative report and any updates to the strategic~~
27 ~~vision to the legislative management during each interim and to a joint meeting of the~~
28 ~~education standing committees during each regular legislative session.~~

29 ~~— 10. Shall facilitate the development and implementation of a North Dakota learning-~~
30 ~~continuum in collaboration with the department of career and technical education,~~

upon the recommendation of the kindergarten through grade twelve education-
coordination council.

~~11. Shall:~~

~~a. Establish the terms and conditions under which a person may be authorized to
access data through the statewide longitudinal data system;~~

~~b. Require all statewide longitudinal data system administrators to implement
approved data protection practices to ensure the security of electronic and
physical data which must include requirements for encryption and staff training;~~

~~c. Provide for biennial privacy and security audits of the statewide longitudinal data
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 3. 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.

SECTION 4. AMENDMENT. Section 23-35-02.2 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 5. A new section to chapter 23.1-01 of the North Dakota Century Code is created and enacted as follows:

Standards for well drilling and installation of water well pumps, pitless units, and monitoring wells - Reports required.

1. All construction of water wells must comply with the rules adopted by the department of environmental quality. Within thirty days after the completion of each well, each water well contractor shall furnish to the department on forms provided by the department any information required by the department, including a log of formations penetrated, well depth, and casing size and weight. A copy of each report also must be furnished to the customer. All information submitted must remain the property of the department.
2. All installation of water well pumps and pitless units must comply with the rules adopted by the department of environmental quality.

3. All monitoring wells constructed must comply with the rules adopted by the department of environmental quality. Each monitoring well contractor shall furnish all reports required by the rules of the department.

4. All drilling of geothermal systems must comply with the rules adopted by the department of environmental quality and the state geologist.

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

~~34-16-01. Definitions.~~

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

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

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

~~34-16-02. Duties of commissioner.~~

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

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

~~Boards review task force.~~

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

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

~~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.~~

- 1 ~~2. In addition to the commissioner, who shall serve as the presiding officer of the task-~~
2 ~~force, the task force must include:~~
- 3 ~~a. A member of the senate, appointed by the senate majority leader.~~
4 ~~b. A member of the house of representatives, appointed by the house of~~
5 ~~representatives majority leader.~~
6 ~~c. A representative of an organization representing cities, appointed by the~~
7 ~~governor.~~
8 ~~d. A representative of an organization representing counties, appointed by the~~
9 ~~governor.~~
10 ~~e. A representative of the business community, appointed by the governor.~~
11 ~~f. A member at large, appointed by the governor.~~
- 12 ~~3. A member of the task force who is not a state employee is entitled to reimbursement~~
13 ~~for mileage and expenses as provided by law for state officers and employees, to be~~
14 ~~paid by the labor commissioner. A state employee who is a member of the task force is~~
15 ~~entitled to receive that employee's regular salary and is entitled to reimbursement for~~
16 ~~mileage and expenses to be paid by the employing agency. A member of the task~~
17 ~~force who is a member of the legislative assembly is entitled to receive per diem~~
18 ~~compensation at the rate provided under section 54-35-10 for each day performing~~
19 ~~official duties of the task force. The legislative council shall pay the per diem~~
20 ~~compensation and reimbursement for travel and expenses as provided by law for any~~
21 ~~member of the task force who is a member of the legislative assembly.~~
- 22 ~~4. Before October 1, 2026, the task force shall provide a report of its findings and~~
23 ~~recommendations and any proposed legislation necessary to implement the~~
24 ~~recommendations to the legislative management and the governor.~~

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

- 27 30. "Soil classifier" means ~~a professional soil classifier as defined in subsection 4 of~~
28 ~~section 43-36-01~~ an individual who by reason of that individual's special knowledge of
29 the physical, chemical, and biological sciences applicable to soils as natural bodies
30 and of the methods and principles of soil classification as acquired by soils education

1 and soil classification experience in the formation, morphology, description, and
2 mapping of soils is qualified to practice soil classifying.

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

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

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

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

18 a. (1) Administration of programs for children and families, including adoption
19 services and the licensure of child-placing agencies, foster care services
20 and the licensure of foster care arrangements, certification of shelter care
21 services, child protection services, children's trust fund, licensure of early
22 childhood programs, refugee services, in-home community-based services,
23 quality control, ~~and~~ administration of the interstate compacts on the
24 placement of children and juveniles, and the early childhood services
25 advisory board.

26 (2) Administration of programs to identify all available options for effectively
27 maximizing the provision of early childhood ~~education~~ services within the
28 state; ~~and~~ address the coordinated utilization of facilities; ~~and~~ personnel;
29 ~~and transportation~~ for the provision of early childhood ~~education~~ services
30 within the state.

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

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

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

Boards review task force - Report to legislative management.

1. The ~~commissioner~~office of the governor shall provide staffing and administrative services to the boards review task force. The task force shall:
 - a. Review and assess all boards for inefficiencies and duplication of responsibilities;
 - 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~~governor or the governor's designee, 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 of an occupational licensing board, appointed by the governor.
 - g. 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~~office of the governor. 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 13. AMENDMENT. Section 54-54-05 of the North Dakota Century Code is amended and reenacted as follows:

54-54-05. Duties of council.

The duties of the council are:

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

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

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

1. The health information technology office is created in the department. ~~The health information technology advisory committee shall make recommendations to the health information technology office for implementing an interoperable health information infrastructure that is consistent with emerging national standards; promote the~~

1 ~~adoption and use of electronic health records and other health information-~~
2 ~~technologies; and promote interoperability of health information systems for the~~
3 ~~purpose of improving health care quality, patient safety, and the overall efficiency of~~
4 ~~health care and public health services.~~

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

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

assessment team determined by the health information technology advisory 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 15. 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.

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

SECTION 16. AMENDMENT. Section 54-59-34 of the North Dakota Century Code is amended and reenacted as follows:

54-59-34. Statewide longitudinal data system ~~committee~~ - Information technology department - Duties.

1. The ~~statewide longitudinal data system committee~~department shall manage a statewide longitudinal data system among education, workforce, and training entities that:
 - a. Provides for the dissemination of management information to stakeholders and partners of state education, training, and employment systems;
 - b. Is required to provide on an annual basis to education and workforce development programs, to the extent permitted by federal law, the wage record interchange system 2 data sharing agreement and the state wage interchange system data sharing agreement and state performance reports that measure the aggregate outcomes of participants in the workforce and continuing education programs, including private workforce and education programs that request the reports; and
 - c. Uses data from educational and workforce systems as central sources of statewide longitudinal data.
2. The department may, subject to federal and state privacy laws, enter interagency agreements, including agreements designating authorized representatives of the educational agencies participating in the system, under the Family Educational Rights and Privacy Act [20 U.S.C. 1232(g); 34 CFR 99].
3. The ~~statewide longitudinal data system committee~~department shall establish policies and adopt rules addressing access to and the collection, storage, and sharing of information and the systems necessary to perform those functions, subject to

1 applicable federal and state privacy laws and interagency agreements and restrictions
2 relating to confidential information required to conform to applicable federal and state
3 privacy laws.

4 ~~3.4.~~ The ~~statewide longitudinal data system committee~~department shall provide operational
5 oversight for information sharing activities and make recommendations for and provide
6 oversight of information sharing budgets.

7 ~~4.5.~~ The ~~statewide longitudinal data system committee in consultation with the information~~
8 ~~technology~~ department shall:

- 9 a. Establish the terms and conditions under which a person may be authorized to
10 access data through the statewide longitudinal data system;
- 11 b. Direct that all statewide longitudinal data system administrators implement
12 approved data protection practices to ensure the security of electronic and
13 physical data, provided that the practices include requirements for encryption and
14 staff training;
- 15 c. Provide for biennial privacy and security audits of the statewide longitudinal data
16 system;
- 17 d. Establish protocols, including procedures, for the notification of students and
18 parents in the event of a data breach involving the statewide longitudinal data
19 system;
- 20 e. Require that data retention and disposition by the statewide longitudinal data
21 system be governed by the same policies as those instituted for the information
22 technology department; and
- 23 f. Require the provision of annual training regarding data protection to any
24 individuals who have access to the statewide longitudinal data system, including
25 school district employees, employees of the North Dakota university system
26 office and institutions under the control of the state board of higher education,
27 and elected or appointed state or local governmental officials.

28 6. The department may authorize studies to benefit and improve workforce training and
29 education.

30 **SECTION 17. AMENDMENT.** Section 54-59-36 of the North Dakota Century Code is
31 amended and reenacted as follows:

54-59-36. Statewide longitudinal data system ~~committee~~ - Report to legislative management.

During each interim the ~~statewide longitudinal data system committee~~department shall provide a report regarding the statewide longitudinal data system to one or more committees designated by the legislative management and shall provide recommendations for further development, cost proposals, proposals for legislation, and recommendations for data sharing governance.

SECTION 18. AMENDMENT. Section 54-59-37 of the North Dakota Century Code is amended and reenacted as follows:

54-59-37. Statewide longitudinal data system ~~committee~~ - Continuing appropriation.

The ~~statewide longitudinal data system committee~~department may solicit and receive gifts, grants, and donations from public and private sources. Any moneys received in accordance with this section are appropriated on a continuing basis for the support of the statewide longitudinal data system.

SECTION 19. AMENDMENT. Section 54-59-39 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The information technology department may request from any state agency:
 - a. All information required by 20 U.S.C. 9871(e)(2)(D);
 - b. Any other educational information ~~the statewide longitudinal data system committee determines~~ is required for a longitudinal data system to comply with state or federal law; and
 - c. Unemployment insurance wage data from job service North Dakota for education and workforce development program evaluations, except that the information technology department may not redisclose any data identifying an individual unless the redisclosure is expressly permitted by a written agreement between job service North Dakota and the department or is otherwise expressly permitted or required by federal or state law.
2. A state agency providing information requested under subsection 1 shall enter an interagency agreement with the department which identifies applicable federal and state privacy laws and agency-established restrictions relating to its confidential

information the agency has determined is required to comply with federal and state privacy laws.

3. Subject to applicable restrictions on the use and disclosure of confidential information required to comply with federal and state privacy laws and the terms of the interagency agreement, any state agency receiving a request for information under subsection 1 shall provide the information at the time and in the manner required by the information technology department.

SECTION 20. AMENDMENT. Section 61-03-01.3 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The director shall:
 - a. Enforce all rules adopted by the department;
 - b. Hire a state engineer who is a qualified professional engineer, has appropriate hydrology experience, and will report to the director;
 - c. Hire other employees as necessary to carry out the duties of the department and director;
 - d. Organize the department in an efficient manner; and
 - e. Take any other action necessary and appropriate for administration of the department.
 - f. Adopt rules to ~~regulate~~ license water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.
 - g. Advise the governor and the state water commission regarding operations of Devils Lake outlets.
 - h. Recommend ~~criteria for operation of each outlet based~~ an operational plan for the Devils Lake outlet based on ~~outflow volumes, Sheyenne River capacity and water~~ quality considerations, ~~and the risk of an overflow of Devils Lake.~~
2. The state engineer is responsible for and shall manage the department's oversight of dam safety, water appropriations, and construction and drainage permits, and associated technical duties related to public safety and property protection.

SECTION 21. A new section to chapter 61-03 of the North Dakota Century Code is created and enacted as follows:

Requirements for firms engaged in water well work, installation of water well pumps and pitless units, monitoring well work, and drilling of geothermal systems - Exceptions.

1. A person, partnership, association, corporation, or limited liability company may not engage in the business of constructing a water well in this state unless at all times a certified water well contractor, who is responsible for the proper construction or alteration of a water well, is in charge. This section does not prohibit any person, partnership, association, corporation, or limited liability company from constructing any water well on the person's or entity's own premises for the person's or entity's own use.
2. A person may not engage in the business of installing water well pumps and pitless units in the state after July 1, 1986, unless a certified installer, who is responsible for the proper installation of the pump and pitless unit, is in charge of the installation. This chapter does not prohibit any person from installing water well pumps and pitless units on that person's own premises for that person's own use.
3. A person may not engage in the business of constructing a monitoring well in this state unless at all times a certified monitoring well contractor, who is responsible for the proper construction or alteration of the monitoring well, is in charge. This section does not prohibit any person from installing a monitoring well on that person's own premises for that person's own use.
4. A person may not engage in the business of drilling geothermal systems in the state after July 1, 2008, unless a certified driller, who is responsible for the proper drilling of the geothermal system, is in charge of the drilling. This section does not prohibit a person from drilling geothermal systems on that person's own premises for that person's own use.

SECTION 22. AMENDMENT. Section 61-04.1-03 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-03. Definitions.

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

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

- 1 2. "Controller" refers to any licensee duly authorized in this state to engage in weather
2 modification operations.
- 3 ~~3.2.~~ "Geographical region" means a geographical area with a contiguous boundary that
4 may enclose a portion of any county or counties.
- 5 ~~4.3.~~ "Hail suppression" refers to the activation of any process that will reduce, modify,
6 suppress, eliminate, or soften hail formed in clouds or storms.
- 7 ~~5.4.~~ "Increasing precipitation" refers to the activation of any process that will actually result
8 in greater amounts of moisture reaching the ground in any area from a cloud or cloud
9 system than would have occurred naturally.
- 10 ~~6.5.~~ "Initiating precipitation" refers to the process of causing precipitation from clouds which
11 could not otherwise have occurred naturally or inducing precipitation significantly
12 earlier than would have occurred naturally.
- 13 ~~7.6.~~ "Operation" means the performance of any weather modification activity undertaken
14 for the purpose of producing or attempting to produce any form of modifying effect
15 upon the weather within a limited geographical area or within a limited period of time.
- 16 ~~8.7.~~ "Research and development" means exploration, field experimentation, and extension
17 of investigative findings and theories of a scientific or technical nature into practical
18 application for experimental and demonstration purposes, including the experimental
19 production of models, devices, equipment, materials, and processes.
- 20 ~~9.8.~~ "Weather modification" means and extends to the control, alteration, and amelioration
21 of weather elements, including man-caused changes in the natural precipitation
22 process, hail suppression or modification, and alteration of other weather phenomena,
23 including clouds, temperature, wind direction, and velocity, and the initiating,
24 increasing, decreasing, and otherwise modifying by artificial methods of precipitation in
25 the form of rain, snow, hail, mist, or fog through cloud seeding, electrification, or by
26 other means to provide immediate practical benefits.
- 27 ~~10.9.~~ "Weather modification authority" means the governing body created by a board of
28 county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27,
29 61-04.1-29, or 61-04.1-31.

30 **SECTION 23. AMENDMENT.** Section 61-04.1-08 of the North Dakota Century Code is
31 amended and reenacted as follows:

61-04.1-08. Powers and duties of ~~board~~the department.

The ~~board~~department has the following powers and duties:

- ~~1. The board shall appoint an executive director to serve at the board's discretion and to perform duties assigned by the board.~~
- ~~2. The board shall authorize the employment of staff the board deems necessary to carry out the provisions of this chapter. The executive director shall hire the staff, subject to the approval of the board.~~
- ~~3.~~ The ~~board~~department shall adopt rules concerning qualifications, procedures, and conditions for issuance, revocation, suspension, and modification of licenses and permits; standards and instructions governing weather modification operations, including monitoring and evaluation, recordkeeping, and reporting, and the ~~board~~department shall establish procedures and forms for this recordkeeping and reporting. The ~~board~~department may adopt all other rules necessary to the administration of this chapter. The provisions of chapter 28-32 apply to this chapter and rules of the ~~board~~department must be published in the North Dakota Administrative Code.
- ~~4.2.~~ The ~~board~~department may contract with any person to carry out weather modification operations and, in connection with regulated weather modification operations in a county or geographical region, shall carry on monitoring and evaluation activities.
- ~~5.3.~~ The ~~board~~department may order any person who is conducting weather modification operations in violation of this chapter or any rules adopted to implement this chapter, to cease and desist from those operations and the order is enforceable in any court of competent jurisdiction within this state.
- ~~6.4.~~ The ~~board~~department may cooperate and contract with any person engaged in activities similar to the work of the ~~board~~department and may make contracts and agreements to carry out programs consistent with the purpose and intent of this chapter. The ~~board~~department may request and accept any grants of funds or services from any person and expend these funds or use these services to carry out this chapter.

7.5. The ~~board~~department shall monitor the current state of knowledge regarding the magnitude and impacts of possible regional and global climatic changes and shall provide information to other state agencies that may benefit from this knowledge.

8.6. The ~~board~~department shall administer and enforce the provisions of this chapter and do all things reasonably necessary to effectuate the purposes of this chapter.

9.7. The ~~board~~department may plan and study a hail suppression pilot program that would provide urban and rural hail suppression operations statewide or to any portion of the state.

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

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

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

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

SECTION 25. AMENDMENT. Section 61-04.1-12 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-12. Exemptions.

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

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

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

SECTION 26. AMENDMENT. Section 61-04.1-14 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

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

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

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

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

SECTION 28. AMENDMENT. Section 61-04.1-16 of the North Dakota Century Code is amended and reenacted as follows:

1 **61-04.1-16. Permit required - Issuance of permit - Fee.**

2 1. A weather modification permit ~~shall be~~is required for each geographical area, as set
3 out in the operational plan required by subdivision b, in which a person intends to
4 conduct weather modification operations. Each permit issued by the ~~board shall~~
5 ~~expire~~department of water resources expires on December thirty-first of the year of
6 issuance. A person applying for a weather modification operational permit shall file an
7 application with the ~~board~~department, in such form as the ~~board shall~~
8 ~~prescribe~~department prescribes, which application ~~shall~~must be accompanied by an
9 application fee of twenty-five dollars and contain such information as the
10 ~~board~~department, by rule, may require, and in addition, each applicant for a permit
11 shall:

12 a. Furnish proof of financial responsibility as provided by section 61-04.1-19.
13 b. Set forth a complete operational plan for the proposed operation which ~~shall~~must
14 include a specific statement of its nature and object, a map of the proposed
15 operating area which specifies the primary target area for the proposed operation
16 and shows the area that is reasonably expected to be affected by such operation,
17 a statement of the approximate time during which the operation is to be
18 conducted, a list of the materials and methods to be used in conducting the
19 operation, and such other detailed information as may be needed to describe the
20 operation.

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

22 a. The applicant holds a valid weather modification license issued under this
23 chapter.

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

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

27 d. The operation:

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

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

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

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

7 f. The applicant has furnished a performance bond as required by section
8 61-04.1-34.

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

11 h. The applicant has furnished a bid bond.

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

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

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

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

24 **SECTION 29. AMENDMENT.** Section 61-04.1-17 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **61-04.1-17. Hearings.**

27 The ~~board~~department of water resources shall give public notice, in the official county
28 newspaper or newspapers in the area of the state reasonably expected to be affected by
29 operations conducted under a permit, that it is considering an application for such permit, and, if
30 objection to the issuance of the permit is received by the ~~board~~department within twenty days,
31 the ~~board~~department may hold a public hearing for the purpose of obtaining information from

the public concerning the effects of issuing the permit. The ~~board~~department may also hold such hearings upon its own motion.

SECTION 30. AMENDMENT. Section 61-04.1-18 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

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

SECTION 31. AMENDMENT. Section 61-04.1-19 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-19. Proof of financial responsibility.

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

1. Presentation to the ~~board~~department of proof of a prepaid noncancelable insurance policy against such liability, in an amount approved by the ~~board~~department.

2. Filing with the ~~board~~department a corporate surety bond, cash, or negotiable securities in an amount approved by the ~~board~~department.

SECTION 32. AMENDMENT. Section 61-04.1-20 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

1. There must be a district operations advisory committee in each operations district created in accordance with section 61-04.1-20. Each committee must be composed of one commissioner of the weather modification authority, if a weather modification 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 34. 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~~department ~~shall undertake to contract~~department 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~~department ~~may not~~ enter into ~~no~~ contract or agreement for weather modification services except with a controller, holding the permit as required by this chapter, except for the purpose of gathering technical information, and making studies or surveys.

SECTION 35. 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~~department ~~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 will comply with all provisions of this chapter and the contract entered into by the ~~board~~department and the licensee.

SECTION 36. AMENDMENT. Section 61-04.1-37 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-37. Liability of controller.

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

2. Dissemination of materials and substances into the atmosphere by a permittee acting within the conditions and limits of the permittee's permit ~~shall~~do not constitute trespass.
3. Except as provided in this section and in section 61-04.1-36, ~~nothing in this chapter shall~~does not prevent any person adversely affected by a weather modification operation from recovering damages resulting from negligent or intentionally harmful conduct by a permittee.
4. The fact that a person holds a license or was issued a permit under this chapter, or that the person has complied with the rules adopted by the ~~board pursuant to~~department of water resources under this chapter, is not admissible as a defense in any legal action which may be brought against the person.

SECTION 37. AMENDMENT. Section 61-04.1-38 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The ~~board~~department of water resources may receive and accept in the name of the state any funds that are offered or become available from any federal grant or appropriation, private gift, donation, or bequest, county funds, or funds from any other source except license and permit fees, and to expend these funds for the expense of administering this chapter, and, with the exception of county funds and funds from any other person contracting with the ~~board~~department for weather modification operations, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency in this state by direct grant, contract, or other means.
2. All federal grants, federal appropriations, private gifts, donations, or bequests, county funds, or funds from any other source except license and permit fees, received by the ~~board~~department must be paid over to the state treasurer, who shall credit this amount to ~~a special fund in the state treasury known as the state weather modification fund~~the water commission fund. All proceeds deposited by the state treasurer in the ~~state-weather modification~~water commission fund are appropriated to the ~~board~~department and, if expended, must be disbursed by warrant-check prepared by the office of

management and budget upon vouchers submitted by the ~~board~~department and must be used for the purpose of paying for the expense of administration of this chapter and, with the exception of county funds or funds from any other person contracting with the ~~board~~department for weather modification operations, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency by direct grant, contract, or other means.

SECTION 38. AMENDMENT. Section 61-04.1-39 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 39. AMENDMENT. Subdivision a of subsection 2 of section 65-02-03.1 of the North Dakota Century Code is amended and reenacted as follows:

- a. A departing member representing an employer must be replaced by a member representing an employer, most of whose employees are in a different rate classification than those of the employer represented by the departing member.
The governor shall appoint the member for an employer representative from a list of three potential candidates submitted by a coordinating committee appointed by the governor, composed of an organization of business associations. The organization shall accept qualified candidate recommendations received from representatives from the associated general contractors of North Dakota, the North Dakota petroleum council, the greater North Dakota chamber of commerce, the North Dakota motor carriers association, the North Dakota

hospital association, the national federation of independent business, the lignite energy council, and other statewide business interests.

SECTION 40. REPEAL. Chapter 8-11.1, section 12-48-06.1, chapter 17-07, sections 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, 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, 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~~, 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 61-04.1-10, and chapter 61-36 of the North Dakota Century Code are repealed.

SECTION 41. REPEAL. Sections 55-01-13 and 55-01-14 of the North Dakota Century Code are repealed.

SECTION 42. EFFECTIVE DATE. Section ~~38~~41 of this Act is effective December 31, 2026.

SECTION 43. EXPIRATION DATE. Section ~~8~~12 of this Act is effective through December 1, 2026, and after that date is ineffective.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2308
2/21/2025

Relating to a boards review task force; and to the wastewater recycling treatment guide, boards and commissions, soil classifiers, the unemployment insurance advisory council, gubernatorial appointments, the committee on aging, health information technology advisory committee, statewide longitudinal data system committee, atmospheric resource board, the department of health and human services, the council on the arts, the state engineer, the superintendent of public instruction, job service North Dakota, and workforce safety and insurance coordinating committee, the Midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee, onsite wastewater recycling technical committee, state board of water well contractors, state board of registration for professional soil 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.

8:32 a.m. Chair Roers called the hearing to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Updated language on well drilling standards
- State agency data
- Defines powers and duties
- Committee Action

8:32 a.m. Chair Roers introduced proposed amendment testimony #38288.

8:34 a.m. Reed Johnson, Legal Intern Office of the Governor, walked the committee through the proposed amendment by Chair Roers.

8:50 a.m. Senator Barta moved Amendment LC #25.0776.02004.

8:50 a.m. Senator Braunberger seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y

Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

8:55 a.m. Senator Walen moved to further amend to remove "soil classifiers board".

8:55 a.m. Senator Braunberger seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

8:56 a.m. Senator Castaneda moved a Do Pass as Amended.

8:56 a.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	N
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 5-1-0

Senator Roers will carry the bill.

8:57 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

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~~23.1-01, a new section to
2 chapter 54-07, and a new section to chapter 61-03 of the North Dakota Century Code, relating
3 to standards for well drilling and installation of water well pumps, pitless units, and monitoring
4 wells, a boards review task force, and requirements for firms engaged in water well work,
5 installation of water well pump and pitless units, monitoring well work, and drilling of geothermal
6 systems; to amend and reenact section 6-09-43, subdivision j of subsection 2 of section
7 15.1-01-04, sections ~~15.1-02-04~~, 15.1-07-33, and 23-35-02.2, ~~subsection 30 of section~~
8 ~~38-14.1-02~~, ~~subdivision i of subsection 1 of section 38-14.1-14~~, ~~34-16-01~~, and ~~34-16-02~~,
9 subsection 1 of section 50-06-01.4, ~~section~~sections 52-02-02, and 52-02-08, subsection 1 of
10 section 54-07-01.2, sections 54-54-05, 54-59-26, 54-59-27, 54-59-34, 54-59-36, 54-59-37,
11 54-59-39, 61-03-01.3, 61-04.1-03, 61-04.1-08, 61-04.1-09, 61-04.1-12, 61-04.1-14, 61-04.1-15,
12 61-04.1-16, 61-04.1-17, 61-04.1-18, 61-04.1-19, 61-04.1-20, 61-04.1-21, 61-04.1-33,
13 61-04.1-34, 61-04.1-37, 61-04.1-38, and 61-04.1-39, and subdivision a of subsection 2 of
14 section 65-02-03.1 of the North Dakota Century Code, relating to the wastewater recycling
15 treatment guide, boards and commissions, ~~soil classifiers~~, the unemployment insurance
16 advisory council, gubernatorial appointments, the committee on aging, health information
17 technology advisory committee, statewide longitudinal data system committee, atmospheric
18 resource board, the department of health and human services, the council on the arts, the state
19 engineer, the superintendent of public instruction, job service North Dakota, and workforce
20 safety and insurance coordinating committee; to repeal chapter 8-11.1, ~~section~~sections
21 12-48-06.1, chapter 17-07, sections 15.1-37-05, 15.1-37-06, and 15.1-37-08, chapter 17-07,
22 sections 19-24.1-38, 19.1-24.1-39, and 23-35-02.3, chapters 34-16 and ~~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, 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~~, 54-59-38, 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 61-04.1-10, and chapter 61-36 of the North Dakota Century Code, relating to occupational and professional boards, the midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee, onsite wastewater recycling technical committee, state board of water well contractors, ~~state board of registration for professional soil 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 for a legislative management report; 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

1 administration of the fund. Annually, the Bank may deduct a service fee for
2 administering the revolving loan fund maintained under this section.

- 3 4. An application for a loan under this section must be made to the health information
4 technology office. The health information technology office director, ~~in collaboration~~
5 ~~with the health information technology advisory committee~~, may approve the
6 application of a qualified applicant that meets the criteria established by the health
7 information technology office director. The health information technology office shall
8 forward approved applications to the Bank. Upon approval of the application by the
9 Bank, the Bank shall make the loan from the revolving loan fund as provided under
10 this section.
- 11 5. The Bank may do all acts necessary to negotiate loans and preserve security as
12 deemed necessary, to exercise any right of redemption, and to bring suit in order to
13 collect interest and principal due the revolving loan fund under mortgages, contracts,
14 and notes executed to obtain loans under this section. If the applicant's plan for
15 financing provides for a loan of funds from sources other than the state of North
16 Dakota, the Bank may make a loan subordinate security interest. The Bank may
17 recover from the revolving loan fund amounts actually expended by the Bank for legal
18 fees and to effect a redemption.

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

- 21 j. The following gubernatorial appointees:
- 22 (1) ~~An individual representing the statewide longitudinal data system~~
23 ~~committee;~~
- 24 (2) An individual representing tribal school interests;
- 25 ~~(3)(2)~~ An individual employed as a public school administrator;
- 26 ~~(4)(3)~~ An individual employed as a public school principal;
- 27 ~~(5)(4)~~ An individual employed as a public elementary school teacher;
- 28 ~~(6)(5)~~ An individual employed as a public secondary school teacher;
- 29 ~~(7)(6)~~ A director of a special education unit; and
- 30 ~~(8)(7)~~ A director of a regional education association.

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

3 ~~15.1-02-04. Superintendent of public instruction -- Duties.~~

4 ~~The superintendent of public instruction:~~

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

upon the recommendation of the kindergarten through grade twelve education
coordination council.

~~11. Shall:~~

~~a. Establish the terms and conditions under which a person may be authorized to
access data through the statewide longitudinal data system;~~

~~b. Require all statewide longitudinal data system administrators to implement
approved data protection practices to ensure the security of electronic and
physical data which must include requirements for encryption and staff training;~~

~~c. Provide for biennial privacy and security audits of the statewide longitudinal data
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 3. 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

1 school district shall use a state course code, assigned by the department of public
2 instruction, to identify all local classes in the state student information system.

3 2. The ~~statewide longitudinal data system committee~~ superintendent of public instruction
4 may exempt a school district from having to implement and utilize the state student
5 information system if the school district demonstrates that:

6 a. The district has acquired and is using a student information system determined to
7 be compatible with the statewide longitudinal data system; or

8 b. In accordance with requirements of the bureau of Indian education, the district
9 has acquired and is utilizing a student information system that is determined to
10 be comparable by the superintendent.

11 **SECTION 4. AMENDMENT.** Section 23-35-02.2 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **23-35-02.2. Public health units to adopt onsite wastewater recycling treatment guide.**

14 Each public health unit shall adopt the statewide technical guide for onsite wastewater
15 recycling treatment technologies and sewage distribution technologies established by the onsite
16 wastewater recycling technical committee ~~department of health and human~~
17 ~~services~~ environmental quality.

18 **SECTION 5.** A new section to chapter 23.1-01 of the North Dakota Century Code is created
19 and enacted as follows:

1 **Standards for well drilling and installation of water well pumps, pitless units, and**
2 **monitoring wells - Reports required.**

3 1. All construction of water wells must comply with the rules adopted by the department
4 of environmental quality. Within thirty days after the completion of each well, each
5 water well contractor shall furnish to the department on forms provided by the
6 department any information required by the department, including a log of formations
7 penetrated, well depth, and casing size and weight. A copy of each report also must be
8 furnished to the customer. All information submitted must remain the property of the
9 department.

10 2. All installation of water well pumps and pitless units must comply with the rules
11 adopted by the department of environmental quality.

3. All monitoring wells constructed must comply with the rules adopted by the department of environmental quality. Each monitoring well contractor shall furnish all reports required by the rules of the department.

4. All drilling of geothermal systems must comply with the rules adopted by the department of environmental quality and the state geologist.

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

— **34-16-01. Definitions.**

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

— 2. "Commissioner" means the labor commissioner.

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

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

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

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

— **Boards review task force.**

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

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

— 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 6. 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 the physical, chemical, and biological sciences applicable to soils as natural bodies and of the methods and principles of soil classification as acquired by soils education~~

~~and soil classification experience in the formation, morphology, description, and mapping of soils is qualified to practice soil classifying.~~

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

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

SECTION 6. AMENDMENT. Subsection 1 of section 50-06-01.4 of the North Dakota Century Code is amended and reenacted as follows:

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

a. (1) Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, ~~and~~ administration of the interstate compacts on the placement of children and juveniles, and the early childhood services advisory board.

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

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

- b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.
- c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, ~~and~~ licensure of adult foster care homes, ~~and the committee on aging.~~
- d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention services, and twenty-four-hour crisis services for individuals with behavioral health disorders.
- e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.
- f. Administration of medical service programs, including medical assistance for 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 7. 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 8. 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 9. 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. ~~g.~~ The state historical board.
- 31 t. ~~r.~~ The state water commission.

SECTION 10. A new section to chapter 54-07 of the North Dakota Century Code is created and enacted as follows:

Boards review task force - Report to legislative management.

1. The ~~commissioner~~office of the governor shall provide staffing and administrative services to the boards review task force. The task force shall:
 - a. Review and assess all boards for inefficiencies and duplication of responsibilities;
 - 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~~governor or the governor's designee, 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 of an occupational licensing board, appointed by the governor.
 - g. 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~~office of the governor. 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

1 provided by law for any member of the task force who is a member of the legislative
2 assembly.

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

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

8 **54-54-05. Duties of council.**

9 The duties of the council are:

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

25 **SECTION 12. AMENDMENT.** Section 54-59-26 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **54-59-26. Health information technology office - Duties - Loan and grant programs.**

- 28 1. The health information technology office is created in the department. ~~The health~~
29 ~~information technology advisory committee shall make recommendations to the health~~
30 ~~information technology office for implementing an interoperable health information~~
31 ~~infrastructure that is consistent with emerging national standards; promote the~~

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

1 assessment team determined by ~~the health information technology advisory~~
2 ~~committee and~~ the health information technology office director.

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

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

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

18 **SECTION 13. AMENDMENT.** Section 54-59-27 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **54-59-27. Health information technology office - Electronic health information**
21 **exchange fund.**

22 1. There is created an electronic health information exchange fund. The fund consists of
23 moneys deposited in the fund from federal or other sources or moneys transferred into
24 the fund as directed by the legislative assembly. The health information technology
25 office shall administer this fund and shall distribute moneys in the fund accordingly.
26 The moneys in the fund must be used to facilitate and expand electronic health
27 information exchange. Moneys in the fund may be used, subject to legislative
28 appropriations, to provide services directly, for grants as provided under this section,
29 and for the costs of administration of the fund.

30 2. A grant applicant shall submit an application to the health information technology
31 office, which shall determine the applicant's eligibility based upon criteria established

1 by the health information technology office director in collaboration with the health
2 information technology advisory committee.

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

7 **SECTION 14. AMENDMENT.** Section 54-59-34 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **54-59-34. Statewide longitudinal data system ~~committee~~ - Information technology**
10 **department - Duties.**

- 11 1. The ~~statewide longitudinal data system committee~~department shall manage a
12 statewide longitudinal data system among education, workforce, and training entities
13 that:
- 14 a. Provides for the dissemination of management information to stakeholders and
15 partners of state education, training, and employment systems;
 - 16 b. Is required to provide on an annual basis to education and workforce
17 development programs, to the extent permitted by federal law, the wage record
18 interchange system 2 data sharing agreement and the state wage interchange
19 system data sharing agreement and state performance reports that measure the
20 aggregate outcomes of participants in the workforce and continuing education
21 programs, including private workforce and education programs that request the
22 reports; and
 - 23 c. Uses data from educational and workforce systems as central sources of
24 statewide longitudinal data.
- 25 2. The department may, subject to federal and state privacy laws, enter interagency
26 agreements, including agreements designating authorized representatives of the
27 educational agencies participating in the system, under the Family Educational Rights
28 and Privacy Act [20 U.S.C. 1232(g); 34 CFR 99].
- 29 3. The ~~statewide longitudinal data system committee~~department shall establish policies
30 and adopt rules addressing access to and the collection, storage, and sharing of
31 information and the systems necessary to perform those functions, subject to

1 applicable federal and state privacy laws and interagency agreements and restrictions
2 relating to confidential information required to conform to applicable federal and state
3 privacy laws.

4 ~~3.4.~~ The ~~statewide longitudinal data system committee~~ department shall provide operational
5 oversight for information sharing activities and make recommendations for and provide
6 oversight of information sharing budgets.

7 ~~4.5.~~ The ~~statewide longitudinal data system committee in consultation with the information~~
8 ~~technology~~ department shall:

- 9 a. Establish the terms and conditions under which a person may be authorized to
10 access data through the statewide longitudinal data system;
- 11 b. Direct that all statewide longitudinal data system administrators implement
12 approved data protection practices to ensure the security of electronic and
13 physical data, provided that the practices include requirements for encryption and
14 staff training;
- 15 c. Provide for biennial privacy and security audits of the statewide longitudinal data
16 system;
- 17 d. Establish protocols, including procedures, for the notification of students and
18 parents in the event of a data breach involving the statewide longitudinal data
19 system;
- 20 e. Require that data retention and disposition by the statewide longitudinal data
21 system be governed by the same policies as those instituted for the information
22 technology department; and
- 23 f. Require the provision of annual training regarding data protection to any
24 individuals who have access to the statewide longitudinal data system, including
25 school district employees, employees of the North Dakota university system
26 office and institutions under the control of the state board of higher education,
27 and elected or appointed state or local governmental officials.

28 6. The department may authorize studies to benefit and improve workforce training and
29 education.

30 **SECTION 15. AMENDMENT.** Section 54-59-36 of the North Dakota Century Code is
31 amended and reenacted as follows:

54-59-36. Statewide longitudinal data system ~~committee~~ - Report to legislative management.

During each interim the ~~statewide longitudinal data system committee~~ department shall provide a report regarding the statewide longitudinal data system to one or more committees designated by the legislative management and shall provide recommendations for further development, cost proposals, proposals for legislation, and recommendations for data sharing governance.

SECTION 16. AMENDMENT. Section 54-59-37 of the North Dakota Century Code is amended and reenacted as follows:

54-59-37. Statewide longitudinal data system ~~committee~~ - Continuing appropriation.

The ~~statewide longitudinal data system committee~~ department may solicit and receive gifts, grants, and donations from public and private sources. Any moneys received in accordance with this section are appropriated on a continuing basis for the support of the statewide longitudinal data system.

SECTION 17. AMENDMENT. Section 54-59-39 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The information technology department may request from any state agency:
 - a. All information required by 20 U.S.C. 9871(e)(2)(D);
 - b. Any other educational information ~~the statewide longitudinal data system committee determines~~ is required for a longitudinal data system to comply with state or federal law; and
 - c. Unemployment insurance wage data from job service North Dakota for education and workforce development program evaluations, except that the information technology department may not redisclose any data identifying an individual unless the redisclosure is expressly permitted by a written agreement between job service North Dakota and the department or is otherwise expressly permitted or required by federal or state law.
2. A state agency providing information requested under subsection 1 shall enter an interagency agreement with the department which identifies applicable federal and state privacy laws and agency-established restrictions relating to its confidential

information the agency has determined is required to comply with federal and state privacy laws.

3. Subject to applicable restrictions on the use and disclosure of confidential information required to comply with federal and state privacy laws and the terms of the interagency agreement, any state agency receiving a request for information under subsection 1 shall provide the information at the time and in the manner required by the information technology department.

SECTION 18. AMENDMENT. Section 61-03-01.3 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The director shall:

- a. Enforce all rules adopted by the department;
- b. Hire a state engineer who is a qualified professional engineer, has appropriate hydrology experience, and will report to the director;
- c. Hire other employees as necessary to carry out the duties of the department and director;
- d. Organize the department in an efficient manner; and
- e. Take any other action necessary and appropriate for administration of the department.
- f. Adopt rules to ~~regulate~~ license water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.
- g. Advise the governor and the state water commission regarding operations of Devils Lake outlets.
- h. Recommend ~~criteria for operation of each outlet based on~~ an operational plan for the Devils Lake outlet based on ~~outflow volumes, Sheyenne River capacity and water quality considerations, and the risk of an overflow of Devils Lake.~~

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

SECTION 19. A new section to chapter 61-03 of the North Dakota Century Code is created and enacted as follows:

Requirements for firms engaged in water well work, installation of water well pumps and pitless units, monitoring well work, and drilling of geothermal systems - Exceptions.

1. A person, partnership, association, corporation, or limited liability company may not engage in the business of constructing a water well in this state unless at all times a certified water well contractor, who is responsible for the proper construction or alteration of a water well, is in charge. This section does not prohibit any person, partnership, association, corporation, or limited liability company from constructing any water well on the person's or entity's own premises for the person's or entity's own use.
2. A person may not engage in the business of installing water well pumps and pitless units in the state after July 1, 1986, unless a certified installer, who is responsible for the proper installation of the pump and pitless unit, is in charge of the installation. This chapter does not prohibit any person from installing water well pumps and pitless units on that person's own premises for that person's own use.
3. A person may not engage in the business of constructing a monitoring well in this state unless at all times a certified monitoring well contractor, who is responsible for the proper construction or alteration of the monitoring well, is in charge. This section does not prohibit any person from installing a monitoring well on that person's own premises for that person's own use.
4. A person may not engage in the business of drilling geothermal systems in the state after July 1, 2008, unless a certified driller, who is responsible for the proper drilling of the geothermal system, is in charge of the drilling. This section does not prohibit a person from drilling geothermal systems on that person's own premises for that person's own use.

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

61-04.1-03. Definitions.

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

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

- 1 2- "Controller" refers to any licensee duly authorized in this state to engage in weather
2 modification operations.
- 3 ~~3-2.~~ "Geographical region" means a geographical area with a contiguous boundary that
4 may enclose a portion of any county or counties.
- 5 ~~4-3.~~ "Hail suppression" refers to the activation of any process that will reduce, modify,
6 suppress, eliminate, or soften hail formed in clouds or storms.
- 7 ~~5-4.~~ "Increasing precipitation" refers to the activation of any process that will actually result
8 in greater amounts of moisture reaching the ground in any area from a cloud or cloud
9 system than would have occurred naturally.
- 10 ~~6-5.~~ "Initiating precipitation" refers to the process of causing precipitation from clouds which
11 could not otherwise have occurred naturally or inducing precipitation significantly
12 earlier than would have occurred naturally.
- 13 ~~7-6.~~ "Operation" means the performance of any weather modification activity undertaken
14 for the purpose of producing or attempting to produce any form of modifying effect
15 upon the weather within a limited geographical area or within a limited period of time.
- 16 ~~8-7.~~ "Research and development" means exploration, field experimentation, and extension
17 of investigative findings and theories of a scientific or technical nature into practical
18 application for experimental and demonstration purposes, including the experimental
19 production of models, devices, equipment, materials, and processes.
- 20 ~~9-8.~~ "Weather modification" means and extends to the control, alteration, and amelioration
21 of weather elements, including man-caused changes in the natural precipitation
22 process, hail suppression or modification, and alteration of other weather phenomena,
23 including clouds, temperature, wind direction, and velocity, and the initiating,
24 increasing, decreasing, and otherwise modifying by artificial methods of precipitation in
25 the form of rain, snow, hail, mist, or fog through cloud seeding, electrification, or by
26 other means to provide immediate practical benefits.
- 27 ~~10-9.~~ "Weather modification authority" means the governing body created by a board of
28 county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27,
29 61-04.1-29, or 61-04.1-31.

30 **SECTION 21. AMENDMENT.** Section 61-04.1-08 of the North Dakota Century Code is
31 amended and reenacted as follows:

61-04.1-08. Powers and duties of ~~board~~the department.

The ~~board~~department has the following powers and duties:

1. ~~The board shall appoint an executive director to serve at the board's discretion and to perform duties assigned by the board.~~
- ~~2.~~ The board shall authorize the employment of staff the board deems necessary to carry out the provisions of this chapter. The executive director shall hire the staff, subject to the approval of the board.
- ~~3.~~ The ~~board~~department shall adopt rules concerning qualifications, procedures, and conditions for issuance, revocation, suspension, and modification of licenses and permits; standards and instructions governing weather modification operations, including monitoring and evaluation, recordkeeping, and reporting, and the ~~board~~department shall establish procedures and forms for this recordkeeping and reporting. The ~~board~~department may adopt all other rules necessary to the administration of this chapter. The provisions of chapter 28-32 apply to this chapter and rules of the ~~board~~department must be published in the North Dakota Administrative Code.
- ~~4.2.~~ The ~~board~~department may contract with any person to carry out weather modification operations and, in connection with regulated weather modification operations in a county or geographical region, shall carry on monitoring and evaluation activities.
- ~~5.3.~~ The ~~board~~department may order any person who is conducting weather modification operations in violation of this chapter or any rules adopted to implement this chapter, to cease and desist from those operations and the order is enforceable in any court of competent jurisdiction within this state.
- ~~6.4.~~ The ~~board~~department may cooperate and contract with any person engaged in activities similar to the work of the ~~board~~department and may make contracts and agreements to carry out programs consistent with the purpose and intent of this chapter. The ~~board~~department may request and accept any grants of funds or services from any person and expend these funds or use these services to carry out this chapter.

7.5. The ~~board~~department shall monitor the current state of knowledge regarding the magnitude and impacts of possible regional and global climatic changes and shall provide information to other state agencies that may benefit from this knowledge.

8.6. The ~~board~~department shall administer and enforce the provisions of this chapter and do all things reasonably necessary to effectuate the purposes of this chapter.

9.7. The ~~board~~department may plan and study a hail suppression pilot program that would provide urban and rural hail suppression operations statewide or to any portion of the state.

SECTION 22. AMENDMENT. Section 61-04.1-09 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The ~~board~~department of water resources shall establish a program of weather modification research and development in this state. The ~~board~~department shall supervise and coordinate all research and development activities in the state or research and development activities outside of the state participated in or conducted by any state institution or state or county agency.
2. If the ~~board~~department plans and studies a hail suppression pilot program, the ~~board~~department may conduct a planning phase that includes studying the impact on the environment, providing public education, and formulating an operations plan.

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

61-04.1-12. Exemptions.

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

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

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

3 **SECTION 24. AMENDMENT.** Section 61-04.1-14 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **61-04.1-14. Issuance of license - Fee.**

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

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

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

19 **SECTION 25. AMENDMENT.** Section 61-04.1-15 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **61-04.1-15. Revocation or suspension of license.**

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

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

30 **SECTION 26. AMENDMENT.** Section 61-04.1-16 of the North Dakota Century Code is
31 amended and reenacted as follows:

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

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

- 1 (2) Is designed to include adequate safeguards to minimize or avoid possible
2 damage to the public health, safety, welfare, or the environment.
- 3 (3) Will not adversely affect another operation for which a permit has been
4 issued.
- 5 e. The applicant has North Dakota workforce safety and insurance coverage for all
6 employees working in this state.
- 7 f. The applicant has furnished a performance bond as required by section
8 61-04.1-34.
- 9 g. The applicant has complied with such other requirements for the issuance of
10 permits as may be required by the rules and regulations of the ~~board~~department.
- 11 h. The applicant has furnished a bid bond.
- 12 i. The applicant has registered, with the North Dakota aeronautics commission, any
13 aircraft intended to be used in connection with the operation.

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

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

24 **SECTION 27. AMENDMENT.** Section 61-04.1-17 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **61-04.1-17. Hearings.**

27 The ~~board~~department of water resources shall give public notice, in the official county
28 newspaper or newspapers in the area of the state reasonably expected to be affected by
29 operations conducted under a permit, that it is considering an application for such permit, and, if
30 objection to the issuance of the permit is received by the ~~board~~department within twenty days,
31 the ~~board~~department may hold a public hearing for the purpose of obtaining information from

the public concerning the effects of issuing the permit. The ~~board~~department may ~~also~~ hold such hearings upon its own motion.

SECTION 28. AMENDMENT. Section 61-04.1-18 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

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

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

SECTION 29. AMENDMENT. Section 61-04.1-19 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-19. Proof of financial responsibility.

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

1. Presentation to the ~~board~~department of proof of a prepaid noncancelable insurance policy against such liability, in an amount approved by the ~~board~~department.

- 1 2. Filing with the ~~board~~department a corporate surety bond, cash, or negotiable
- 2 securities in an amount approved by the ~~board~~department.

3 **SECTION 30. AMENDMENT.** Section 61-04.1-20 of the North Dakota Century Code is

4 amended and reenacted as follows:

5 **61-04.1-20. ~~Board~~Department of water resources may create operating districts -**

6 **Representation of noncontracting counties.**

7 The ~~board~~department of water resources may place any county or geographical region for

8 which a person contracts with the state for weather modification operations in any operational

9 district the ~~board~~department determines necessary to best provide that county or geographical

10 region with the benefits of weather modification. In determining the boundaries of an operating

11 district, the ~~board~~deparatment shall consider the patterns of crops within the state, climatic

12 patterns, and the limitations of aircraft and other technical equipment. The ~~board~~department

13 may assign any county that has not created a weather modification authority under this chapter

14 to an operating district solely for the purpose of representation on the operations committee of

15 that district.

16 **SECTION 31. AMENDMENT.** Section 61-04.1-21 of the North Dakota Century Code is

17 amended and reenacted as follows:

18 **61-04.1-21. District operations advisory committees created - Duties.**

- 19 1. There must be a district operations advisory committee in each operations district
- 20 created in accordance with section 61-04.1-20. Each committee must be composed of
- 21 one commissioner of the weather modification authority, if a weather modification
- 22 authority exists, from each county within the district; a representative of each person
- 23 contracting for a geographical region assigned to the district; and one member of the
- 24 board of county commissioners from each county assigned to the district. Each
- 25 advisory committee, upon majority vote, with the concurrence of the ~~board~~department
- 26 of water resources, shall adopt rules and bylaws necessary to govern that committee's
- 27 procedures and meetings. Each committee shall evaluate weather modification
- 28 operations within that committee's district and make recommendations and proposals
- 29 to the ~~board~~department concerning these operations.
- 30 2. The weather modification authority of any county authorized to contract for weather
- 31 modification operations under this chapter which is not assigned to an operations

1 district shall assume the functions of the district operations committee and may
2 exercise the powers and duties assigned to the operations committees by this chapter
3 and by the rules of the ~~board~~department.

4 **SECTION 32. AMENDMENT.** Section 61-04.1-33 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **61-04.1-33. Bids required - When.**

7 ~~Whenever~~If the board shall undertake to contract~~department of water resources contracts~~
8 with any licensed controller in an amount in excess of ten thousand dollars in any one year, the
9 ~~board~~department shall advertise for proposals for such weather modification activities and, in its
10 proceedings with respect to bids therefor, shall substantially follow the manner and form
11 required by the laws of this state for the purchase of supplies by the office of management and
12 budget. The ~~board shall~~department may not enter into ~~no~~ contract or agreement for weather
13 modification services except with a controller, holding the permit as required by this chapter,
14 except for the purpose of gathering technical information, and making studies or surveys.

15 **SECTION 33. AMENDMENT.** Section 61-04.1-34 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **61-04.1-34. Performance bond, cash, or negotiable securities required.**

18 Before the ~~board shall contract~~department of water resources contracts with any controller,
19 ~~it~~the department shall require the controller to furnish a surety bond or cash or negotiable
20 securities for the faithful performance of the contract in such amount as determined by the
21 ~~board~~department, conditioned that the licensee and the licensee's agents will in all respects
22 faithfully perform all weather modification contracts undertaken with the ~~board~~department and
23 will comply with all provisions of this chapter and the contract entered ~~into~~ by the
24 ~~board~~department and the licensee.

25 **SECTION 34. AMENDMENT.** Section 61-04.1-37 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **61-04.1-37. Liability of controller.**

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

- 1 2. Dissemination of materials and substances into the atmosphere by a permittee acting
2 within the conditions and limits of the permitte's permit ~~shall~~do not constitute
3 trespass.
- 4 3. Except as provided in this section and in section 61-04.1-36, ~~nothing~~ in this chapter
5 ~~shall~~does not prevent any person adversely affected by a weather modification
6 operation from recovering damages resulting from negligent or intentionally harmful
7 conduct by a permittee.
- 8 4. The fact that a person holds a license or was issued a permit under this chapter, or
9 that the person has complied with the rules adopted by the ~~board~~ pursuant
10 ~~to~~department of water resources under this chapter, is not admissible as a defense in
11 any legal action which may be brought against the person.

12 **SECTION 35. AMENDMENT.** Section 61-04.1-38 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **61-04.1-38. ~~Board~~Department of water resources may receive and expend funds.**

- 15 1. The ~~board~~department of water resources may receive and accept in the name of the
16 state any funds that are offered or become available from any federal grant or
17 appropriation, private gift, donation, or bequest, county funds, or funds from any other
18 source except license and permit fees, and to expend these funds for the expense of
19 administering this chapter, and, with the exception of county funds and funds from any
20 other person contracting with the ~~board~~department for weather modification
21 operations, for the encouragement of research and development in weather
22 modification by any private person, the North Dakota state university, the university of
23 North Dakota, or any other appropriate state, county, or public agency in this state by
24 direct grant, contract, or other means.
- 25 2. All federal grants, federal appropriations, private gifts, donations, or bequests, county
26 funds, or funds from any other source except license and permit fees, received by the
27 ~~board~~department must be paid over to the state treasurer, who shall credit this amount
28 to ~~a special fund in the state treasury known as the state weather modification fund~~the
29 water commission fund. All proceeds deposited by the state treasurer in the ~~state~~
30 ~~weather modification~~water commission fund are appropriated to the ~~board~~department
31 and, if expended, must be disbursed by warrant-check prepared by the office of

management and budget upon vouchers submitted by the ~~board~~department and must be used for the purpose of paying for the expense of administration of this chapter and, with the exception of county funds or funds from any other person contracting with the ~~board~~department for weather modification operations, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency by direct grant, contract, or other means.

SECTION 36. AMENDMENT. Section 61-04.1-39 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 37. AMENDMENT. Subdivision a of subsection 2 of section 65-02-03.1 of the North Dakota Century Code is amended and reenacted as follows:

- a. A departing member representing an employer must be replaced by a member representing an employer, most of whose employees are in a different rate classification than those of the employer represented by the departing member. The governor shall appoint the member for an employer representative from a list of three potential candidates submitted by ~~a coordinating committee appointed by the governor, composed of~~an organization of business associations. The organization shall accept qualified candidate recommendations received from representatives from the associated general contractors of North Dakota, the North Dakota petroleum council, the greater North Dakota chamber of commerce, the North Dakota motor carriers association, the North Dakota

1 hospital association, the national federation of independent business, the lignite
2 energy council, and other statewide business interests.

3 **SECTION 38. REPEAL.** Chapter 8-11.1, ~~section~~sections 12-48-06.1, ~~chapter 17-07,~~
4 ~~sections~~ 15.1-37-05, 15.1-37-06, and 15.1-37-08, chapter 17-07, sections 19-24.1-38,
5 19.1-24.1-39, and 23-35-02.3, chapters 34-16 and 43-35 ~~and 43-36~~, sections 50-06-05.6,
6 50-06.4-10, 50-11.1-25, 50-11.1-26, 50-11.1-27, 52-02-07, 54-34.3-10, 54-54-10, 54-59-25,
7 54-59-33, ~~54-59-34,~~ 54-59-35, ~~54-59-36, 54-59-37,~~ 54-59-38, 54-60-25, 61-04.1-04, 61-04.1-05,
8 61-04.1-06, 61-04.1-07, ~~61-04.1-08,~~ and 61-04.1-10, and chapter 61-36 of the North Dakota
9 Century Code are repealed.

10 **SECTION 39. REPEAL.** Sections 55-01-13 and 55-01-14 of the North Dakota Century
11 Code are repealed.

12 **SECTION 40. EFFECTIVE DATE.** Section ~~38~~41 of this Act is effective December 31, 2026.

13 **SECTION 41. EXPIRATION DATE.** Section ~~8~~12 of this Act is effective through December 1,
14 2026, and after that date is ineffective.

**REPORT OF STANDING COMMITTEE
SB 2308**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.0776.02005](#)) and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2308 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.0776.02004
Title.

Prepared by the Legislative Council
staff for Senator Roers
February 20, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2308

Introduced by

Senators Roers, Hogue

Representatives Lefor, Louser

A BILL for an Act to create and enact a new section to chapter ~~34-16~~23.1-01, a new section to chapter 54-07, and a new section to chapter 61-03 of the North Dakota Century Code, relating to standards for well drilling and installation of water well pumps, pitless units, and monitoring wells, a boards review task force, and requirements for firms engaged in water well work, installation of water well pump and pitless units, monitoring well work, and drilling of geothermal systems; to amend and reenact section 6-09-43, subdivision j of subsection 2 of section 15.1-01-04, sections ~~15.1-02-04~~, 15.1-07-33, and 23-35-02.2, ~~34-16-01~~, and ~~34-16-02~~, subsection 30 of section 38-14.1-02, subdivision t of subsection 1 of section 38-14.1-14, subsection 1 of section 50-06-01.4, ~~section~~sections 52-02-02, and 52-02-08, subsection 1 of section 54-07-01.2, sections 54-54-05, 54-59-26, 54-59-27, ~~54-59-34~~, 54-59-36, 54-59-37, 54-59-39, 61-03-01.3, 61-04.1-03, 61-04.1-08, 61-04.1-09, 61-04.1-12, 61-04.1-14, 61-04.1-15, 61-04.1-16, 61-04.1-17, 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, 61-04.1-38, and 61-04.1-39, and subdivision a of subsection 2 of section 65-02-03.1 of the North Dakota Century Code, relating to the wastewater recycling treatment guide, boards and commissions, soil classifiers, the unemployment insurance advisory council, gubernatorial appointments, the committee on aging, health information technology advisory committee, statewide longitudinal data system committee, atmospheric resource board, the department of health and human services, the council on the arts, the state engineer, the superintendent of public instruction, job service North Dakota, and workforce safety and insurance coordinating committee; to repeal chapter 8-11.1, section 12-48-06.1, chapter 17-07, sections 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~~, 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, 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,~~ 54-59-38, 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 61-04.1-10, and chapter 61-36 of the North Dakota
Century Code, relating to occupational and professional boards, the midwest interstate
passenger rail compact, prison industry advisory committee, energy policy commission, medical
marijuana advisory committee, onsite wastewater recycling technical committee, state board of
water well contractors, state board of registration for professional soil 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 for a legislative management report; 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;
- (2) An individual employed as a public school administrator;
- (3) An individual employed as a public school principal;
- (4) An individual employed as a public elementary school teacher;
- (5) An individual employed as a public secondary school teacher;
- (6) A director of a special education unit; and
- (7) A director of a regional education association.

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

3 ~~— **15.1-02-04. Superintendent of public instruction – Duties.**~~

4 ~~— The superintendent of public instruction:~~

5 ~~— 1. Shall supervise the provision of elementary and secondary education to the students-~~
6 ~~of this state.~~

7 ~~— 2. Shall supervise the establishment and maintenance of schools and provide advice and~~
8 ~~counsel regarding the welfare of the schools.~~

9 ~~— 3. Shall supervise the development of course content standards.~~

10 ~~— 4. Shall supervise the assessment of students.~~

11 ~~— 5. Shall serve as an ex officio member of the board of university and school lands.~~

12 ~~— 6. Shall keep a complete record of all official acts and appeals.~~

13 ~~— 7. As appropriate, shall determine the outcome of appeals regarding education matters.~~

14 ~~— 8. Shall direct school district annexation, reorganization, and dissolution and employ and~~
15 ~~compensate personnel necessary to enable the state board of public school education-~~
16 ~~to carry out its powers and duties regarding school district annexation, reorganization,~~
17 ~~and dissolution.~~

18 ~~— 9. Shall facilitate a process to review and update annually the statewide prekindergarten-~~
19 ~~through grade twelve education strategic vision. The process must include input and~~
20 ~~participation from a steering committee that includes representatives of all state-level~~
21 ~~entities receiving state education funding and education stakeholder groups. Each~~
22 ~~steering committee member entity receiving state education funds shall provide-~~
23 ~~components of the entity's strategic plan which are aligned to the statewide strategic~~
24 ~~vision. The steering committee shall prepare a collaborative report of the strategic~~
25 ~~plans of each committee member entity receiving state education funds. The~~
26 ~~superintendent shall provide the collaborative report and any updates to the strategic~~
27 ~~vision to the legislative management during each interim and to a joint meeting of the~~
28 ~~education standing committees during each regular legislative session.~~

29 ~~— 10. Shall facilitate the development and implementation of a North Dakota learning-~~
30 ~~continuum in collaboration with the department of career and technical education,~~

upon the recommendation of the kindergarten through grade twelve education-
coordination council.

~~11. Shall:~~

~~a. Establish the terms and conditions under which a person may be authorized to
access data through the statewide longitudinal data system;~~

~~b. Require all statewide longitudinal data system administrators to implement
approved data protection practices to ensure the security of electronic and
physical data which must include requirements for encryption and staff training;~~

~~c. Provide for biennial privacy and security audits of the statewide longitudinal data
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 3. 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.

SECTION 4. AMENDMENT. Section 23-35-02.2 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 5. A new section to chapter 23.1-01 of the North Dakota Century Code is created and enacted as follows:

Standards for well drilling and installation of water well pumps, pitless units, and monitoring wells - Reports required.

1. All construction of water wells must comply with the rules adopted by the department of environmental quality. Within thirty days after the completion of each well, each water well contractor shall furnish to the department on forms provided by the department any information required by the department, including a log of formations penetrated, well depth, and casing size and weight. A copy of each report also must be furnished to the customer. All information submitted must remain the property of the department.
2. All installation of water well pumps and pitless units must comply with the rules adopted by the department of environmental quality.

3. All monitoring wells constructed must comply with the rules adopted by the department of environmental quality. Each monitoring well contractor shall furnish all reports required by the rules of the department.

4. All drilling of geothermal systems must comply with the rules adopted by the department of environmental quality and the state geologist.

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

~~34-16-01. Definitions.~~

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

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

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

~~34-16-02. Duties of commissioner.~~

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

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

~~Boards review task force.~~

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

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

~~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.~~

- 1 ~~2. In addition to the commissioner, who shall serve as the presiding officer of the task-~~
2 ~~force, the task force must include:~~
- 3 ~~a. A member of the senate, appointed by the senate majority leader.~~
4 ~~b. A member of the house of representatives, appointed by the house of~~
5 ~~representatives majority leader.~~
6 ~~c. A representative of an organization representing cities, appointed by the~~
7 ~~governor.~~
8 ~~d. A representative of an organization representing counties, appointed by the~~
9 ~~governor.~~
10 ~~e. A representative of the business community, appointed by the governor.~~
11 ~~f. A member at large, appointed by the governor.~~
- 12 ~~3. A member of the task force who is not a state employee is entitled to reimbursement~~
13 ~~for mileage and expenses as provided by law for state officers and employees, to be~~
14 ~~paid by the labor commissioner. A state employee who is a member of the task force is~~
15 ~~entitled to receive that employee's regular salary and is entitled to reimbursement for~~
16 ~~mileage and expenses to be paid by the employing agency. A member of the task~~
17 ~~force who is a member of the legislative assembly is entitled to receive per diem~~
18 ~~compensation at the rate provided under section 54-35-10 for each day performing~~
19 ~~official duties of the task force. The legislative council shall pay the per diem~~
20 ~~compensation and reimbursement for travel and expenses as provided by law for any~~
21 ~~member of the task force who is a member of the legislative assembly.~~
- 22 ~~4. Before October 1, 2026, the task force shall provide a report of its findings and~~
23 ~~recommendations and any proposed legislation necessary to implement the~~
24 ~~recommendations to the legislative management and the governor.~~

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

- 27 30. "Soil classifier" means ~~a professional soil classifier as defined in subsection 4 of~~
28 ~~section 43-36-01~~ an individual who by reason of that individual's special knowledge of
29 the physical, chemical, and biological sciences applicable to soils as natural bodies
30 and of the methods and principles of soil classification as acquired by soils education

1 and soil classification experience in the formation, morphology, description, and
2 mapping of soils is qualified to practice soil classifying.

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

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

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

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

18 a. (1) Administration of programs for children and families, including adoption
19 services and the licensure of child-placing agencies, foster care services
20 and the licensure of foster care arrangements, certification of shelter care
21 services, child protection services, children's trust fund, licensure of early
22 childhood programs, refugee services, in-home community-based services,
23 quality control, ~~and~~ administration of the interstate compacts on the
24 placement of children and juveniles, and the early childhood services
25 advisory board.

26 (2) Administration of programs to identify all available options for effectively
27 maximizing the provision of early childhood ~~education~~ services within the
28 state; and address the coordinated utilization of facilities; ~~and personnel;~~
29 ~~and transportation;~~ for the provision of early childhood ~~education~~ services
30 within the state.

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

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

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

Boards review task force - Report to legislative management.

1. The ~~commissioner~~office of the governor shall provide staffing and administrative services to the boards review task force. The task force shall:
 - a. Review and assess all boards for inefficiencies and duplication of responsibilities;
 - 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~~governor or the governor's designee, 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 of an occupational licensing board, appointed by the governor.
 - g. 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~~office of the governor. 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

1 provided by law for any member of the task force who is a member of the legislative
2 assembly.

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

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

8 **54-54-05. Duties of council.**

9 The duties of the council are:

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

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

27 **54-59-26. Health information technology office - Duties - Loan and grant programs.**

- 28 1. The health information technology office is created in the department. ~~The health-~~
29 ~~information technology advisory committee shall make recommendations to the health-~~
30 ~~information technology office for implementing an interoperable health information-~~
31 ~~infrastructure that is consistent with emerging national standards; promote the-~~

1 ~~adoption and use of electronic health records and other health information-~~
2 ~~technologies; and promote interoperability of health information systems for the~~
3 ~~purpose of improving health care quality, patient safety, and the overall efficiency of~~
4 ~~health care and public health services.~~

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

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

assessment team determined by the health information technology advisory 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 15. 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.

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

SECTION 16. AMENDMENT. Section 54-59-34 of the North Dakota Century Code is amended and reenacted as follows:

54-59-34. Statewide longitudinal data system ~~committee~~ - Information technology department - Duties.

1. The ~~statewide longitudinal data system committee~~department shall manage a statewide longitudinal data system among education, workforce, and training entities that:
 - a. Provides for the dissemination of management information to stakeholders and partners of state education, training, and employment systems;
 - b. Is required to provide on an annual basis to education and workforce development programs, to the extent permitted by federal law, the wage record interchange system 2 data sharing agreement and the state wage interchange system data sharing agreement and state performance reports that measure the aggregate outcomes of participants in the workforce and continuing education programs, including private workforce and education programs that request the reports; and
 - c. Uses data from educational and workforce systems as central sources of statewide longitudinal data.
2. The department may, subject to federal and state privacy laws, enter interagency agreements, including agreements designating authorized representatives of the educational agencies participating in the system, under the Family Educational Rights and Privacy Act [20 U.S.C. 1232(g); 34 CFR 99].
3. The ~~statewide longitudinal data system committee~~department shall establish policies and adopt rules addressing access to and the collection, storage, and sharing of information and the systems necessary to perform those functions, subject to

1 applicable federal and state privacy laws and interagency agreements and restrictions
2 relating to confidential information required to conform to applicable federal and state
3 privacy laws.

4 ~~3.4.~~ The ~~statewide longitudinal data system committee~~department shall provide operational
5 oversight for information sharing activities and make recommendations for and provide
6 oversight of information sharing budgets.

7 ~~4.5.~~ The ~~statewide longitudinal data system committee in consultation with the information~~
8 ~~technology~~ department shall:

- 9 a. Establish the terms and conditions under which a person may be authorized to
10 access data through the statewide longitudinal data system;
- 11 b. Direct that all statewide longitudinal data system administrators implement
12 approved data protection practices to ensure the security of electronic and
13 physical data, provided that the practices include requirements for encryption and
14 staff training;
- 15 c. Provide for biennial privacy and security audits of the statewide longitudinal data
16 system;
- 17 d. Establish protocols, including procedures, for the notification of students and
18 parents in the event of a data breach involving the statewide longitudinal data
19 system;
- 20 e. Require that data retention and disposition by the statewide longitudinal data
21 system be governed by the same policies as those instituted for the information
22 technology department; and
- 23 f. Require the provision of annual training regarding data protection to any
24 individuals who have access to the statewide longitudinal data system, including
25 school district employees, employees of the North Dakota university system
26 office and institutions under the control of the state board of higher education,
27 and elected or appointed state or local governmental officials.

28 6. The department may authorize studies to benefit and improve workforce training and
29 education.

30 **SECTION 17. AMENDMENT.** Section 54-59-36 of the North Dakota Century Code is
31 amended and reenacted as follows:

54-59-36. Statewide longitudinal data system ~~committee~~ - Report to legislative management.

During each interim the ~~statewide longitudinal data system committee~~ department shall provide a report regarding the statewide longitudinal data system to one or more committees designated by the legislative management and shall provide recommendations for further development, cost proposals, proposals for legislation, and recommendations for data sharing governance.

SECTION 18. AMENDMENT. Section 54-59-37 of the North Dakota Century Code is amended and reenacted as follows:

54-59-37. Statewide longitudinal data system ~~committee~~ - Continuing appropriation.

The ~~statewide longitudinal data system committee~~ department may solicit and receive gifts, grants, and donations from public and private sources. Any moneys received in accordance with this section are appropriated on a continuing basis for the support of the statewide longitudinal data system.

SECTION 19. AMENDMENT. Section 54-59-39 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The information technology department may request from any state agency:
 - a. All information required by 20 U.S.C. 9871(e)(2)(D);
 - b. Any other educational information ~~the statewide longitudinal data system committee determines is required for a longitudinal data system to comply with~~ state or federal law; and
 - c. Unemployment insurance wage data from job service North Dakota for education and workforce development program evaluations, except that the information technology department may not redisclose any data identifying an individual unless the redisclosure is expressly permitted by a written agreement between job service North Dakota and the department or is otherwise expressly permitted or required by federal or state law.
2. A state agency providing information requested under subsection 1 shall enter an interagency agreement with the department which identifies applicable federal and state privacy laws and agency-established restrictions relating to its confidential

information the agency has determined is required to comply with federal and state privacy laws.

3. Subject to applicable restrictions on the use and disclosure of confidential information required to comply with federal and state privacy laws and the terms of the interagency agreement, any state agency receiving a request for information under subsection 1 shall provide the information at the time and in the manner required by the information technology department.

SECTION 20. AMENDMENT. Section 61-03-01.3 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The director shall:
 - a. Enforce all rules adopted by the department;
 - b. Hire a state engineer who is a qualified professional engineer, has appropriate hydrology experience, and will report to the director;
 - c. Hire other employees as necessary to carry out the duties of the department and director;
 - d. Organize the department in an efficient manner; and
 - e. Take any other action necessary and appropriate for administration of the department.
 - f. Adopt rules to ~~regulate~~ license water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.
 - g. Advise the governor and the state water commission regarding operations of Devils Lake outlets.
 - h. Recommend ~~criteria for operation of each outlet based~~ an operational plan for the Devils Lake outlet based on ~~outflow volumes, Sheyenne River capacity and water~~ quality considerations, ~~and the risk of an overflow of Devils Lake.~~
2. The state engineer is responsible for and shall manage the department's oversight of dam safety, water appropriations, and construction and drainage permits, and associated technical duties related to public safety and property protection.

SECTION 21. A new section to chapter 61-03 of the North Dakota Century Code is created and enacted as follows:

Requirements for firms engaged in water well work, installation of water well pumps and pitless units, monitoring well work, and drilling of geothermal systems - Exceptions.

1. A person, partnership, association, corporation, or limited liability company may not engage in the business of constructing a water well in this state unless at all times a certified water well contractor, who is responsible for the proper construction or alteration of a water well, is in charge. This section does not prohibit any person, partnership, association, corporation, or limited liability company from constructing any water well on the person's or entity's own premises for the person's or entity's own use.
2. A person may not engage in the business of installing water well pumps and pitless units in the state after July 1, 1986, unless a certified installer, who is responsible for the proper installation of the pump and pitless unit, is in charge of the installation. This chapter does not prohibit any person from installing water well pumps and pitless units on that person's own premises for that person's own use.
3. A person may not engage in the business of constructing a monitoring well in this state unless at all times a certified monitoring well contractor, who is responsible for the proper construction or alteration of the monitoring well, is in charge. This section does not prohibit any person from installing a monitoring well on that person's own premises for that person's own use.
4. A person may not engage in the business of drilling geothermal systems in the state after July 1, 2008, unless a certified driller, who is responsible for the proper drilling of the geothermal system, is in charge of the drilling. This section does not prohibit a person from drilling geothermal systems on that person's own premises for that person's own use.

SECTION 22. AMENDMENT. Section 61-04.1-03 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-03. Definitions.

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

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

- 1 2. "Controller" refers to any licensee duly authorized in this state to engage in weather
2 modification operations.
- 3 ~~3.2.~~ "Geographical region" means a geographical area with a contiguous boundary that
4 may enclose a portion of any county or counties.
- 5 ~~4.3.~~ "Hail suppression" refers to the activation of any process that will reduce, modify,
6 suppress, eliminate, or soften hail formed in clouds or storms.
- 7 ~~5.4.~~ "Increasing precipitation" refers to the activation of any process that will actually result
8 in greater amounts of moisture reaching the ground in any area from a cloud or cloud
9 system than would have occurred naturally.
- 10 ~~6.5.~~ "Initiating precipitation" refers to the process of causing precipitation from clouds which
11 could not otherwise have occurred naturally or inducing precipitation significantly
12 earlier than would have occurred naturally.
- 13 ~~7.6.~~ "Operation" means the performance of any weather modification activity undertaken
14 for the purpose of producing or attempting to produce any form of modifying effect
15 upon the weather within a limited geographical area or within a limited period of time.
- 16 ~~8.7.~~ "Research and development" means exploration, field experimentation, and extension
17 of investigative findings and theories of a scientific or technical nature into practical
18 application for experimental and demonstration purposes, including the experimental
19 production of models, devices, equipment, materials, and processes.
- 20 ~~9.8.~~ "Weather modification" means and extends to the control, alteration, and amelioration
21 of weather elements, including man-caused changes in the natural precipitation
22 process, hail suppression or modification, and alteration of other weather phenomena,
23 including clouds, temperature, wind direction, and velocity, and the initiating,
24 increasing, decreasing, and otherwise modifying by artificial methods of precipitation in
25 the form of rain, snow, hail, mist, or fog through cloud seeding, electrification, or by
26 other means to provide immediate practical benefits.
- 27 ~~10.9.~~ "Weather modification authority" means the governing body created by a board of
28 county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27,
29 61-04.1-29, or 61-04.1-31.

30 **SECTION 23. AMENDMENT.** Section 61-04.1-08 of the North Dakota Century Code is
31 amended and reenacted as follows:

61-04.1-08. Powers and duties of ~~board~~the department.

The ~~board~~department has the following powers and duties:

- ~~1. The board shall appoint an executive director to serve at the board's discretion and to perform duties assigned by the board.~~
- ~~2. The board shall authorize the employment of staff the board deems necessary to carry out the provisions of this chapter. The executive director shall hire the staff, subject to the approval of the board.~~
- ~~3.~~ The ~~board~~department shall adopt rules concerning qualifications, procedures, and conditions for issuance, revocation, suspension, and modification of licenses and permits; standards and instructions governing weather modification operations, including monitoring and evaluation, recordkeeping, and reporting, and the ~~board~~department shall establish procedures and forms for this recordkeeping and reporting. The ~~board~~department may adopt all other rules necessary to the administration of this chapter. The provisions of chapter 28-32 apply to this chapter and rules of the ~~board~~department must be published in the North Dakota Administrative Code.
- ~~4.2.~~ The ~~board~~department may contract with any person to carry out weather modification operations and, in connection with regulated weather modification operations in a county or geographical region, shall carry on monitoring and evaluation activities.
- ~~5.3.~~ The ~~board~~department may order any person who is conducting weather modification operations in violation of this chapter or any rules adopted to implement this chapter, to cease and desist from those operations and the order is enforceable in any court of competent jurisdiction within this state.
- ~~6.4.~~ The ~~board~~department may cooperate and contract with any person engaged in activities similar to the work of the ~~board~~department and may make contracts and agreements to carry out programs consistent with the purpose and intent of this chapter. The ~~board~~department may request and accept any grants of funds or services from any person and expend these funds or use these services to carry out this chapter.

7.5. The ~~board~~department shall monitor the current state of knowledge regarding the magnitude and impacts of possible regional and global climatic changes and shall provide information to other state agencies that may benefit from this knowledge.

8.6. The ~~board~~department shall administer and enforce the provisions of this chapter and do all things reasonably necessary to effectuate the purposes of this chapter.

9.7. The ~~board~~department may plan and study a hail suppression pilot program that would provide urban and rural hail suppression operations statewide or to any portion of the state.

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

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

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

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

SECTION 25. AMENDMENT. Section 61-04.1-12 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-12. Exemptions.

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

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

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

SECTION 26. AMENDMENT. Section 61-04.1-14 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

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

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

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

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

SECTION 28. AMENDMENT. Section 61-04.1-16 of the North Dakota Century Code is amended and reenacted as follows:

1 **61-04.1-16. Permit required - Issuance of permit - Fee.**

2 1. A weather modification permit ~~shall be~~is required for each geographical area, as set
3 out in the operational plan required by subdivision b, in which a person intends to
4 conduct weather modification operations. Each permit issued by the ~~board shall~~
5 ~~expire~~department of water resources expires on December thirty-first of the year of
6 issuance. A person applying for a weather modification operational permit shall file an
7 application with the ~~board~~department, in such form as the ~~board shall~~
8 ~~prescribe~~department prescribes, which application ~~shall~~must be accompanied by an
9 application fee of twenty-five dollars and contain such information as the
10 ~~board~~department, by rule, may require, and in addition, each applicant for a permit
11 shall:

12 a. Furnish proof of financial responsibility as provided by section 61-04.1-19.
13 b. Set forth a complete operational plan for the proposed operation which ~~shall~~must
14 include a specific statement of its nature and object, a map of the proposed
15 operating area which specifies the primary target area for the proposed operation
16 and shows the area that is reasonably expected to be affected by such operation,
17 a statement of the approximate time during which the operation is to be
18 conducted, a list of the materials and methods to be used in conducting the
19 operation, and such other detailed information as may be needed to describe the
20 operation.

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

22 a. The applicant holds a valid weather modification license issued under this
23 chapter.

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

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

27 d. The operation:

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

- 1 (2) Is designed to include adequate safeguards to minimize or avoid possible
2 damage to the public health, safety, welfare, or the environment.
- 3 (3) Will not adversely affect another operation for which a permit has been
4 issued.
- 5 e. The applicant has North Dakota workforce safety and insurance coverage for all
6 employees working in this state.
- 7 f. The applicant has furnished a performance bond as required by section
8 61-04.1-34.
- 9 g. The applicant has complied with such other requirements for the issuance of
10 permits as may be required by the rules and regulations of the ~~board~~department.
- 11 h. The applicant has furnished a bid bond.
- 12 i. The applicant has registered, with the North Dakota aeronautics commission, any
13 aircraft intended to be used in connection with the operation.
- 14 To carry out the objectives and purposes of this chapter, the ~~board~~department may
15 condition and limit permits as to primary target areas, time of the operation, materials,
16 equipment, and methods to be used in conducting the operation, emergency shutdown
17 procedure, emergency assistance, and such other operational requirements as may
18 be established by the ~~board~~department.
- 19 3. The ~~board shall~~department may issue only one permit at a time for operations in any
20 geographical area if two or more operations conducted in such an area according to
21 permit limitations might adversely interfere with one another.
- 22 4. All permit fees collected by the ~~board shall~~department must be paid into the general
23 fund of the state treasury.

24 **SECTION 29. AMENDMENT.** Section 61-04.1-17 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **61-04.1-17. Hearings.**

27 The ~~board~~department of water resources shall give public notice, in the official county
28 newspaper or newspapers in the area of the state reasonably expected to be affected by
29 operations conducted under a permit, that it is considering an application for such permit, and, if
30 objection to the issuance of the permit is received by the ~~board~~department within twenty days,
31 the ~~board~~department may hold a public hearing for the purpose of obtaining information from

the public concerning the effects of issuing the permit. The ~~board~~department may also hold such hearings upon its own motion.

SECTION 30. AMENDMENT. Section 61-04.1-18 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

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

SECTION 31. AMENDMENT. Section 61-04.1-19 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-19. Proof of financial responsibility.

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

1. Presentation to the ~~board~~department of proof of a prepaid noncancelable insurance policy against such liability, in an amount approved by the ~~board~~department.

2. Filing with the ~~board~~department a corporate surety bond, cash, or negotiable securities in an amount approved by the ~~board~~department.

SECTION 32. AMENDMENT. Section 61-04.1-20 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

1. There must be a district operations advisory committee in each operations district created in accordance with section 61-04.1-20. Each committee must be composed of one commissioner of the weather modification authority, if a weather modification 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 34. 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~~department ~~shall undertake to contract~~department 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~~department ~~may not enter into a~~ 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 35. 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~~department ~~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 will comply with all provisions of this chapter and the contract entered ~~into~~ by the ~~board~~department and the licensee.

SECTION 36. AMENDMENT. Section 61-04.1-37 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-37. Liability of controller.

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

2. Dissemination of materials and substances into the atmosphere by a permittee acting within the conditions and limits of the permittee's permit ~~shall~~do not constitute trespass.
3. Except as provided in this section and in section 61-04.1-36, ~~nothing in this chapter shall~~does not prevent any person adversely affected by a weather modification operation from recovering damages resulting from negligent or intentionally harmful conduct by a permittee.
4. The fact that a person holds a license or was issued a permit under this chapter, or that the person has complied with the rules adopted by the ~~board pursuant to~~department of water resources under this chapter, is not admissible as a defense in any legal action which may be brought against the person.

SECTION 37. AMENDMENT. Section 61-04.1-38 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The ~~board~~department of water resources may receive and accept in the name of the state any funds that are offered or become available from any federal grant or appropriation, private gift, donation, or bequest, county funds, or funds from any other source except license and permit fees, and to expend these funds for the expense of administering this chapter, and, with the exception of county funds and funds from any other person contracting with the ~~board~~department for weather modification operations, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency in this state by direct grant, contract, or other means.
2. All federal grants, federal appropriations, private gifts, donations, or bequests, county funds, or funds from any other source except license and permit fees, received by the ~~board~~department must be paid over to the state treasurer, who shall credit this amount to ~~a special fund in the state treasury known as the state weather modification fund~~the water commission fund. All proceeds deposited by the state treasurer in the ~~state-weather modification~~water commission fund are appropriated to the ~~board~~department and, if expended, must be disbursed by warrant-check prepared by the office of

1 management and budget upon vouchers submitted by the ~~board~~department and must
2 be used for the purpose of paying for the expense of administration of this chapter
3 and, with the exception of county funds or funds from any other person contracting
4 with the ~~board~~department for weather modification operations, for the encouragement
5 of research and development in weather modification by any private person, the North
6 Dakota state university, the university of North Dakota, or any other appropriate state,
7 county, or public agency by direct grant, contract, or other means.

8 **SECTION 38. AMENDMENT.** Section 61-04.1-39 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **61-04.1-39. Payment for weather modification - State to provide funds.**

11 Any weather modification authority or person that contracted with the ~~board~~department of
12 water resources for weather modification operations under this chapter shall appropriate to the
13 ~~state weather modification~~water commission fund the amount determined by the
14 ~~board~~department to be necessary to provide that weather modification authority or person with
15 weather modification operations. The ~~board~~department may expend, from the ~~state weather-~~
16 ~~modification~~water commission fund, the funds the ~~board~~department deems necessary to
17 provide a contracting weather modification authority or person with weather modification
18 operations.

19 **SECTION 39. AMENDMENT.** Subdivision a of subsection 2 of section 65-02-03.1 of the
20 North Dakota Century Code is amended and reenacted as follows:

- 21 a. A departing member representing an employer must be replaced by a member
22 representing an employer, most of whose employees are in a different rate
23 classification than those of the employer represented by the departing member.
24 The governor shall appoint the member for an employer representative from a list
25 of three potential candidates submitted by ~~a coordinating committee appointed by~~
26 ~~the governor, composed of~~an organization of business associations. The
27 organization shall accept qualified candidate recommendations received from
28 representatives from the associated general contractors of North Dakota, the
29 North Dakota petroleum council, the greater North Dakota chamber of
30 commerce, the North Dakota motor carriers association, the North Dakota

hospital association, the national federation of independent business, the lignite
energy council, and other statewide business interests.

SECTION 40. REPEAL. Chapter 8-11.1, section 12-48-06.1, chapter 17-07, sections
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,
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,
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~~,
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
61-04.1-10, and chapter 61-36 of the North Dakota Century Code are repealed.

SECTION 41. REPEAL. Sections 55-01-13 and 55-01-14 of the North Dakota Century
Code are repealed.

SECTION 42. EFFECTIVE DATE. Section ~~38~~41 of this Act is effective December 31, 2026.

SECTION 43. EXPIRATION DATE. Section ~~8~~12 of this Act is effective through December 1,
2026, and after that date is ineffective.

2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2308

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2308
3/13/2025

Relating to standards for well drilling and installation of water well pumps, pitless units, and monitoring wells, a boards review task force, and requirements for firms engaged in water well work, installation of water well pump and pitless units, monitoring well work, and drilling of geothermal systems, relating to the wastewater recycling treatment guide, boards and commissions, the unemployment insurance advisory council, gubernatorial appointments, the committee on aging, health information technology advisory committee, statewide longitudinal data system committee, atmospheric resource board, the department of health and human services, the council on the arts, the state engineer, the superintendent of public instruction, job service North Dakota, and workforce safety and insurance coordinating committee relating to occupational and professional boards, the midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee onsite wastewater recycling technical committee, state board of water well contractors, 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, poet laureate nominating board, rural development council, America 250 commission, atmospheric resource board, and Devils Lake outlet management advisory committee; to provide for a legislative management report; to provide an effective date; and to provide an expiration date.

10:05 a.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, C. Brown, TJ Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Discussion Topics:

- Condensation of committees
- Government efficiency
- Commissions, committees, councils, and task forces
- Student oversight

10:05 a.m. Senator Roers, District 27, introduced the bill.

10:08 a.m. Reed Johnson, Legal Intern from the Governor's Office, testified in favor and submitted testimony, #41303.

10:24 a.m. Governor Armstrong, testified in favor and submitted testimony, #41308.

10:35 a.m. Jacy Schafer, Deputy Chief of Staff for the Governor, testified in favor and submitted testimony, #41312.

10:41 a.m. Reice Haase, Director of the Department of Water Resources, testified in favor and submitted testimony, #41232.

10:46 a.m. Kirsten Baesler, Superintendent of Public Instruction, testified in favor.

10:49 a.m. Mark Hardy, Executive Director of the ND Board of Pharmacy, testified in favor and submitted testimony, #41225.

10:54 a.m. Erik Spencer, President of the Greater North Dakota Chamber, testified in favor.

10:55 a.m. Tom Schimelfenig, Owner Schimelfenig Excavating, testified in opposition and submitted testimony, #41171.

11:02 a.m. William Schaff, testified in favor and submitted testimony, #41319.

11:09 a.m. Loren DeWitz, Chairman of the North Dakota Board of Water Well Contractors testified in opposition.

11:14 a.m. Lisa Otto-Westman, Director of Environmental Health of the First District Health Unit, testified neutrally and submitted testimony, #41072.

Additional written testimony:

Daphne JohnsonClark, Protection Team Leader of the Upper Missouri District Health Unit, submitted neutral testimony, #39573.

Erin Ourada, Administrator of Western Plains Public Health, submitted neutral testimony, #41000.

JoNell Bakke, Chairman of the ND Brain Injury Advisory Council, submitted testimony in favor, #41147.

Jessica Thomasson, Executive Director, Human Services Division of the ND Department of Health and Human Services, submitted testimony in favor, #41200.

Laura Kliewer, Director of the Midwest Interstate Passenger Rail Commission, submitted testimony in opposition, #41157.

11:17 a.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk

Testimony
To the
House Government and Veterans Affairs
on
SB 2308

Good afternoon, Chairman Schauer and members of the committee. I am Daphne JohnsonClark, Team Leader for Environmental Health Services for Upper Missouri District Health Unit and have been with UMDHU since 2003. UMDHU provides local public health services including septic system permitting to Divide, McKenzie, Mountrail, and Williams counties.

I am neutral on SB2308. I had the privilege to serve on the Onsite Wastewater Technical Committee during the interim. I feel we worked hard in a short period of time and that the work of the committee is complete enough at this time to hand it off to the North Dakota Department of Environmental Quality for adoption by local public health units. Which is addressed on page 6, line 6 under 23-35-02.2 of the Century Code.

Thank you for your time.

House Government and Veterans Affairs Committee

SB 2308

March 13, 2025

Chairperson Schauer and members of the House Government and Veterans Affairs Committee:

I am Erin Ourada, the administrator of Western Plains Public Health (formerly Custer Health), a five-county public health unit based in Mandan. WPPH provides local public health services to Grant, Mercer, Morton, Oliver and Sioux Counties.

I am providing neutral testimony on SB 2308 regarding Section 4 on page 4 and Section 38 on page 28. Section 4 relates to an amendment of NDCC 23-35-02.2 and moves the creation of a statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies from the onsite wastewater recycling technical committee to the ND Department of Environmental Quality. Section 38 repeals NDCC 23-35-02.3 which relates to the onsite wastewater recycling technical committee. If the authority to create a statewide technical guide is given to DEQ in Section 4, I agree with the repeal of this portion of code.

I had the privilege of serving on this committee from December 2021-June 2023. I feel the committee has accomplished what it is able to accomplish, and the work can be moved to a state agency at this time.

Thank you for your time.

Respectfully submitted by,

Erin Ourada, MPH, REHS/RS
403 Burlington St SE
Mandan, ND 58554
701-667-3370

Testimony

House Government and Veterans Affairs Committee**SB 2308**

March 13, 2025

Chairperson Schauer and members of the committee, I am Lisa Otto-Westman, Director of Environmental Health for First District Health Unit in Minot which provides Environmental Health Services, including septic system permitting, to 7 counties: Bottineau, Burke, McHenry, McLean, Renville, Sheridan, and Ward.

I am neutral on SB 2308, specifically regarding the amendment of NDCC 23-35-02.2 moving septic system regulations from public health to the Department of Environmental Quality as addressed in Section 4 on page 4 of the First Engrossment. I have had the privilege of serving on the Onsite Wastewater Recycling Technical Committee during the interim. This committee made significant progress in producing a statewide guide for onsite wastewater systems that has reached a point in which the Department of Environmental Quality can assume responsibility. This step will facilitate the statewide adoption by local public health authorities.

Thank you for your time.

Respectfully submitted,

Lisa Otto-Westman, EHP, RS/REHS
Director of Environmental Health
First District Health Unit
Minot, ND

DATE: February 6, 2025
TO: Members of the Senate
FROM: Governor's Brain Injury Advisory Council, JoNell Bakke, Chair
RE: Testimony for Bill 2308

I am writing this Memo on behalf of the Governor's Brain Injury Advisory Council in support of Senate Bill 2308. The work that has been done by this Advisory Council has been meaningful and we have been able to establish a support network for those North Dakota Citizens who are living with brain injuries every day.

The work has included the following:

- Establishment of a state plan to address the continuing needs of individuals with Brain Injuries. This includes work groups that are addressing the major objectives on the state plan.
- Education seminars and training sessions for law enforcement, educators, social services employees and others.
- Support groups for individuals with brain injuries and their families
- Collection of data that allows us to determine where services are needed in the state.
- Discussion about the development of a brain injury register.
- Working in collaboration with other states across the country on services and training opportunities for agencies working with Brain Injury Clients.
- The establishment of the Brain Injury Network which provides on-going support to all affected by Brain Injuries.
- Grant applications to the federal government for financial assistance for our ongoing work.

It is our intent to continue the Brain Injury Advisory Council under the Department of Health and Human Services if eliminated from the Governor Appointment Council list. We feel that our work should continue in order to serve the needs of the State of North Dakota and its citizens. Our most appropriate placement would be under the Behavioral Health Division.



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Chair

Beth McCluskey, Illinois

Vice Chair

Jennifer Murray, Wisconsin

Financial Officer

Pete Meitzner, Kansas

Director

Laura Kliewer

*Bringing Together
State Leaders from
Across the Region
to Advocate
for Passenger Rail
Improvements*

The Midwest Interstate
Passenger Rail Commission is
an eight-state interstate
compact commission that
promotes, coordinates and
supports regional
improvements to passenger
rail service. Our member
states include
Illinois, Indiana, Kansas,
Michigan, Minnesota,
Missouri, North Dakota and
Wisconsin.

March 12, 2025

Dear Chairman Schauer and members of the North Dakota House Government and Veterans Affairs Committee,

My name is Laura Kliewer and I serve as the director of the Midwest Interstate Passenger Rail Commission. I appreciate the opportunity to testify on a specific aspect of Senate Bill 2308.

I respectfully request that the House Government and Veterans Affairs Committee amend SB 2308, **removing the language in the bill that would repeal chapter 8-11.1 of the North Dakota Century Code.**

Chapter 8-11.1 is the enabling language for North Dakota's membership in the **Midwest Interstate Passenger Rail Compact.**

The Midwest Interstate Passenger Rail Commission (MIPRC) is celebrating its 25th anniversary this year, and North Dakota has been a member of this vital interstate compact for most of its existence.

After several years wherein North Dakota's legislative appointing authorities did not make the two legislative appointments to MIPRC, last year we received legislative representation on the commission, with the appointments of Sen. Wobbema and Rep. Grueneich. Sen. Wobbema was part of the MIPRC delegation that traveled to Washington, D.C. last spring to educate members of Congress on the importance of preserving and improving our region's passenger rail service; he also participated in the commission's 2024 annual meeting last fall.

Enacted in 2000, MIPRC brings together state leaders from across the region on a bipartisan basis to work towards developing and implementing a 21st century passenger rail system. States are members through adopting identical compact legislation.

The purpose of MIPRC, through member states and partners, is to promote, coordinate and support passenger rail service improvements through:

- Development and implementation of plans and improvements for Midwest intercity passenger rail service
- Advocacy for Midwestern interests regarding passenger rail development
- Support of our state Departments of Transportation passenger rail plans
- Leadership in the FRA-led regional rail planning efforts

Passenger rail is an important transportation mode for both urban and rural communities; I know that is the case currently with the service that the state has through the *Empire Builder*. Through the years MIPRC has helped save long-distance routes such as North Dakota's from being discontinued and worked to strengthen and expand passenger rail access.

Being a member state allows North Dakota to benefit from MIPRC's grants, both in providing input as to the grants' scopes and in their outcomes.

MIPRC has been awarded a 2024 federal Consolidated Infrastructure and Safety Improvements (CRISI) grant, **Invest Midwest**, which will identify potential passenger rail corridors across the region and do the initial planning work of ridership and revenue as well as economic impact analyses for each route.

When we applied for the grant, the entire North Dakota Congressional delegation wrote letters of support. North Dakota DOT staff serve on the grant's steering committee.

In addition, MIPRC gives states professional networking opportunities, both legislatively and at the agency (DOT) level.

- MIPRC's annual meeting is the Midwest's only regional passenger rail information sharing and best practices event. The MIPRC annual meeting is well attended and affords the opportunity to see first-hand passenger rail operations in other locations, which can generate ideas and lead to improvements in your own state.

- MIPRC is also a platform through which issues and challenges can be aired. MIPRC can in turn act as another advocate for the state, and amplify the states' voices at the federal level.

There are many other ways that the commission has provided assistance to our states and helped improve the state/federal relationship for passenger rail. We hope to have the opportunity to provide more detail to the North Dakota Legislature in the future.

As MIPRC's director and on behalf of the commission, I respectfully ask that the committee strike "Chapter 8-11.1" on page 1 and 28 of the current bill and give the Midwest Interstate Passenger Rail Commission the opportunity to continue supporting and strengthening North Dakota's passenger rail service through the state remaining a member of the Midwest Interstate Passenger Rail Compact.

Thank you very much for your time and consideration.

March 13, 2025

**House Government and Veterans Affairs Committee
SB 2308**

Good afternoon Chair Schauer and Members of the Committee:

My name is Tom Schimelfenig. I've been in the onsite wastewater industry for 47 years, and I've been licensed by the N.D. State Plumbing Board for 38 years.

I also currently serve as chairman of the Onsite Wastewater Recycling Technical Committee (OWRTC), established in N.D. Century Code during the 2021 legislative session. This is one of the committees that stand to be removed from service should this bill pass.

I am here to testify IN OPPOSITION to SB 2308.

I have been licensed through the North Dakota State Plumbing Board since 1987, the year the North Dakota Sewer and Water Service Code was first adopted. That document, 43-18.2 Rules and Regulations of Sewer and Water Installation, continues to guide our industry's practices today. It was derived from the Uniform Plumbing Code (UPC), which has been in existence for 80 years. The UPC was established by the The International Association of Plumbing and Mechanical Officials, a technical expert on plumbing and mechanical issues since 1926.

The OWRTC was tasked with developing a similar uniform code, this one to guide the design and installation of onsite wastewater systems across the state of North Dakota. The legislature also asked us to build a licensing program for installers. There is still work to be done, as there is no code in place or licensing program established.

I understand and respect that there may come a time when this committee is no longer necessary, and at that time I would support legislation such as SB 2308. After all, I support the sponsors' aim to lessen our tax burden and minimize bureaucracy. However, as it stands, the bill does not have a fiscal impact; therefore, there is no money to be saved or efficiencies to gain. Rather, SB 2308 is designed to minimize citizen input and instead put state government employees in control of licensing professionals and managing programs.

Right now, the State Plumbing Board, Board of Water Well Contractors, North Dakota Electrical Board and others pay inspectors to ensure that work done by professionals in their industry meets standards. All of these positions are now self-funded by the boards, with no funding from the state government!!

What will happen in two years, or even four years, once the task force established by this bill has met and made recommendations as directed by the governor? How many more boards will disappear, further reducing citizen input? And who will take over the responsibilities currently held by these citizen boards to advance their industry and the state as a whole?

I anticipate that the state agencies now tasked with these new responsibilities will ask you, the legislature, to increase their budgets so they can hire staff to fill in the gaps. Therefore, what are now privately funded positions, i.e. inspectors for water well contractors, plumbers, etc., will become a burden on taxpayers.

As an example, in a previous discussion with Director David Glatt of the Department of Environmental Quality on March 6, Glatt told me directly that he did not want to manage the onsite wastewater recycling licensing program or establish the statewide code for onsite wastewater treatment without receiving at least \$350,000 per biennium from the state legislature.

Is putting state agencies in charge of industries and turning private occupational governing board members into state employees in North Dakota's best interest? I think not.

I urge a "DO NOT PASS" on SB 2308.

I appreciate your time and consideration, and I am willing to answer any questions you may have.

Tom Schimelfenig
4380 7th St NE
Bowdon, ND 58418
(701) 650-8792
tompeggy@daktel.com



Testimony
Senate Bill No. 2308
House Government and Veterans Affairs Committee
Representative Austen Schauer, Chairman
March 13, 2025

Chairman Schauer and members of the House Government and Veterans Affairs Committee, I am Jessica Thomasson, Executive Director of the Human Services Division with the Department of Health and Human Services (Department). I appear before you in support of Senate Bill No. 2308 and the proposed amendments.

The Department supports efforts to streamline processes, including committee infrastructure. The proposed amendment addresses the need to maintain committees as required for North Dakota to maintain compliance with federal funding requirements for both Older Americans Act and Head Start funding. The amendment also addresses operational considerations related to the ongoing work of the State Longitudinal Data System in ways that should enable continued inter-agency collaboration.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.



STATE OF NORTH DAKOTA
GOVERNOR KELLY ARMSTRONG

NORTH DAKOTA STATE BOARD OF PHARMACY OFFICE OF THE EXECUTIVE DIRECTOR

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Bill No 2308 Boards Review Task Force House Government and Veterans Affairs Committee 10:00 AM - Thursday – March 13, 2025

Chairman Schauer and members of the House Government and Veterans Affairs Committee, for the record I am Mark Hardy, Executive Director of the North Dakota State Board of Pharmacy. I appreciate the opportunity to be here to testify on Senate Bill 2308.

Overall, I appreciate the approach to this bill to have a targeted proposal to remove various entities that are creatures of the ND Century Code which are no longer necessary. With respect to section 10 (page 8) on the creation of a Task Force, I want to offer a few issues for your consideration.

The task force was originally proposed to review statutorily created Boards, Commissions and Councils of the state. The amendments adopted seem to make this only apply to Boards which I am not sure was intended.

Page 8 line 27, calls for a task force to issue performance evaluations. I am unsure of what process would be envisioned to be completed by the task force but, from a business perspective, a traditional performance evaluation is a very deep dive into job duties and functions of, most commonly, an individual to provide feedback on their performance and guide future development. It just doesn't seem to fit, in the context of a task force with the goals proposed, unless there is a desire to get into the minute details of a board's operations. I would, respectfully, ask the committee to eliminate that charge or change "shall" to "may" on line 25 to allow flexibility.

On Page 9, line 11, the Senate added a representative of the Boards appointed by the Governor. The strange thing is that the 3000 version of the bill had it as a "representative" per the Committees action and intent however the language reverted back to "member" which is an important distinction given a representative would be a broader group including those employed by a Board. We would request that "member" be changed to "representative" which we believe was a simple drafting error.

Speaking from our experience during the numerous studies on licensing boards over the last few years, we feel strongly that this inclusion of boards in this task force will bring an intimate understanding of Board operations and the landscape for considerations in which this task force is charged to drive meaningful policy solutions. As an example, during the Labor Commissioner's study, the former Commissioner utilized various Executive Directors of Boards' expertise to meaningfully look at licensing board reforms. That led to the policy solutions being looked at in another piece of legislation (SB2395). Without this representation and perspective, there may be misunderstandings about the implications of their decisions.

I also want to highlight to the committee that House Bill 1442 is currently written to create a similar task force which would be inclusive of Boards as part of a “DOGE” type of approach for our state. This bill proposed by Representative Toman was passed out of the IBL committee and the House overwhelmingly and has had the hearing in Senate Taxation and Finance who has recognized the duplication with this bill. We hope that the duplication can be considered in either bill not to create two task forces and minimize the burden over Boards who are limited in resources and staff to address these efforts.

We appreciate the bill sponsors bringing this legislation forward. Licensing boards serve a very important purpose for the health and safety of our citizens, helping with workforce, and functioning as some of the most accessible extensions of our government. I appreciate you hearing our testimony and I would be happy to address any questions.

TESTIMONY OF

Reice Haase, Director, Department of Water Resources

Chairman Schauer, and members of the House Government and Veterans Affairs Committee, I am Reice Haase, the Director of the Department of Water Resources (DWR). I'm here today to provide testimony in support of the First Engrossment of Senate Bill 2308.

Senate Bill 2308, in part, repeals North Dakota Century Code (N.D.C.C.) ch. 43-35 related to the State Board of Water Well Contractors. The bill also repeals the North Dakota Atmospheric Resource Board and the Devils Lake Outlet Management Advisory Committee. Rationale for the repeal of the three boards is to:

- Shrink the footprint of government
- Gain efficiencies in management of their work
- Take advantage of synergies with Department staff who currently conduct similar work

Board of Water Well Contractors

The Board of Water Well Contractors regulates water well contractors, pump and pitless installers, and geothermal system contractors. The board consists of seven members, including a Department of Environmental Quality (DEQ) representative, a DWR representative, and five governor-appointed members.

The Board's Executive Officer, who is also the Board's DWR representative and a Department employee, oversees budgeting, licensing, renewals, testing, well driller report filings, continuing education tracking, public complaints regarding contractors, and two part-time employees—an administrative assistant (also a DWR employee) and field representative (contracted consultant). On average, the board meets once per year.

N.D.C.C. ch. 43-35 has sections requiring Board licensed contractors to adhere to construction standards outlined in DEQ rules for water wells, pump and pitless units and monitoring wells. Additionally, geothermal system contractors are required to adhere to construction standards adopted under State Geologist rules.

Section 5 clarifies that with the board's repeal, water wells must still comply with these rules.

Section 18, subsection f. clarifies that DWR would continue to license water well contractors.

Section 19 re-adopts the boards rules and authorities under the state engineer chapter of Century Code.

Currently, the Board of Water Well Contractors is operating at a financial loss of approximately -\$9,589 per year (see Figure 1, Cash Flow). Of their expenses, consulting services make up the largest amount. If DWR were to assume this work, our existing staff could absorb the work and we would expect cost savings as a result.

Cash Flow

Category	7/1/23 - 6/30/24
Inflows	
Business Income	
Other Income (Business)	\$4.04
Certification Fees	
Geothermal	\$600.00
Monitoring Well	\$5,000.00
Monitoring Well - inactive	\$500.00
Pump Pitless	\$2,100.00
Pump Pitless - Inactive	\$100.00
Water Well	\$18,800.00
Water Well - inactive	\$2,100.00
Total Certification Fees	\$29,200.00
Credit Card Payment	-\$189.75
Interest Income	\$164.91
Test Fees	
Monitoring Well	\$300.00
Pump & Pitless	\$200.00
Water Well	\$400.00
Total Test Fees	\$900.00
Total Inflows	\$30,079.20
Outflows	
Admin Services	-\$3,958.20
Board Travel & Per Diem	-\$1,003.38
Bond	-\$100.00
Conference Fees	-\$150.00
Consulting Services	-\$28,172.00
Decals & Well Logs	-\$727.00
Legal Services	-\$1,827.61
Newspaper Publications	-\$2,054.12
Office Supplies	-\$206.25
Postage	-\$503.51
Printing	-\$128.00
Risk Management	-\$838.16
Total Outflows	-\$39,668.23
Total	-\$9,589.03

Figure 1: Board of Water Well Contractors Annual Cash Flow

Devils Lake Outlet Management Advisory Committee

The Devils Lake Outlet Management Advisory Committee consists of 17 members and makes recommendations to DWR regarding the operation of the Devils Lake outlets. The committee meets once per year.

The outlets are managed by the department to manage the level of Devils Lake and mitigate the risk of future flooding. DWR is committed to working with stakeholders and soliciting feedback, and the department can accomplish this work without a formal committee.

SB 2308 would eliminate this committee, and Section 18, subsections g. and h. clarify DWR's role in the management of the outlets.

North Dakota Atmospheric Resources Board

The North Dakota Atmospheric Resources Board consists of 10 members and its primary function is to license weather modification contractors and to permit cloud seeding operations. The board typically meets twice per year.

The board operates under the supervision of DWR. SB 2308 would eliminate the board and would place those responsibilities under the department. This is accomplished in Sections 20 – 36.

Thank you for your time, and I would be more than willing to answer any questions the committee may have.

Section by Section Breakdown of SB 2308 (.03000 Senate engrossed version) as of March 12, 2025, including proposed amendments prepared for Senator Roers (.03002 version) (in green).

Prepared for members of the North Dakota House Government & Veterans Affairs committee by Reed Johnson & Chris Joseph, North Dakota Office of the Governor

Section 1. Removes references to the health information technology advisory committee, as that committee is being repealed in section 38 of the bill.

Section 2. Removes the individual representing the statewide longitudinal data system committee (*repealed*) from the kindergarten through grade twelve education coordination council.

Section 3. Transfers the ability to exempt a school district from having to implement and utilize the state student information system from the statewide longitudinal data system committee (*repealed*) to the superintendent of public instruction, because the duties of SLDS are moving to SPI.

Section 4. Changes the responsibility to establish the statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies from the onsite wastewater recycling technical committee (*repealed*) to the Department of Environmental Quality (DEQ).

Section 5. Establishes standards for well drilling and installation of water well pumps, pitless units, and monitoring wells. These groups must comply with rules adopted by DEQ.

Section 6. Moves the duties of the North Dakota early childhood services advisory board under DHHS, moves the Early Childhood Education program to be administered by DHHS, and moves the duties of the Brain injury advisory council under DHHS.

Sections 7-9. Technical corrections. Section 7 removes the word “such” since it is a stylistic change for powers and duties of Job Service ND. Section 8 removes the words “with the advice and aid of its advisory councils” because the advisory councils in Job Service ND are moving elsewhere in statute. Section 9 enumerates several boards that are deemed to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor (this is already in statute and the amendment does not affect this). What section 9 does, however, is remove the committee on aging and the commission on the status of women from those automatic resignation boards above.

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representing counties, a representative of the business community (appointed by the governor), and a member of an occupational licensing board, appointed by the governor, and a member at large, appointed by the governor.

There is also a suggested amendment that was brought to our attention from the Pharmacy Board within section 10 on the engrossed version of the bill (.03000). **On p.8, line 27, “issue performance evaluations” must be removed.** The Attorney General’s office brought an amendment on the senate side of the bill that removed this language, but the engrossed version of the bill kept this language intact. **The governor’s office asks that this language be removed.**

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Section 17. Allows NDIT to request data from state agencies to comply with federal or state law and requires state agencies providing information with NDIT to identify and apply the relevant state and federal privacy laws and agency restrictions regarding uses of confidential information. The latest amendment adds a requirement for a state agency providing information to enter an interagency agreement with ITD. The interagency agreement must identify applicable state and federal privacy laws.

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Section 22. Changes the North Dakota Atmospheric Resource board to the Department of Water Resources for the purpose of establishing a program of weather modification research and development in the state for hail.

Section 23. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to provide for exemptions of certain activities from the license and permit requirements.

Section 24. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to provide for a procedure and criteria for issuance of a license.

Section 25. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to suspend or revoke a license for enumerated reasons such as incompetency, dishonest practice, false or fraudulent representations, or failures to comply with provisions of this chapter.

Section 26. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to issue weather modification permits.

Section 27. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to give notice in the official county newspaper in the area expected to be affected by operations conducted under a permit.

Section 28. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to suspend or revoke a permit if it appears a permittee is no longer qualified.

Section 29. Changes the North Dakota Atmospheric Resource Board to the Department of Water Resources to be shown proof of financial responsibility.

Sections 30-36. Changes statutory duties and responsibilities from the North Dakota Atmospheric Resource Board (repealed) to the Department of Water Resources. Every change in these sections is updating references to "the board" or "North Dakota Atmospheric Resource Board" to "department" or "department of water resources", respectively.

In the engrossed version, Sections 35 and 36 update the language to change the destination of federal grants, federal appropriations, private gifts, donations, or county funds from the state weather modification fund to the water commission fund. This process is governed under NDCC 61-04.1-38—39.

Section 37. This section changes the process for a departing member of the Workforce Safety and Insurance Board of directors (NDCC 65-02-03.1 (2) (a)). Per the senate engrossed version, the governor shall appoint the replacement member for a departing employment representative from a list of three potential candidates submitted by an organization of business associations. The organization shall accept qualified candidate recommendations from: representatives from the associated general contractors of North Dakota, the North Dakota Petroleum Council, the greater North Dakota Chamber of Commerce, the North Dakota motor carrier's association, the North Dakota the North Dakota motor carrier's association, the North Dakota hospital association, the national federation of independent business, the lignite energy council, and other statewide business interests.

Section 38. Repeals.

- Chapter 8-11.1 (**Midwest interstate passenger rail compact**)
- Section 12-48-06.1 (**Prison industry advisory committee**)
- Sections 15.1-37-05, 15.1-37-06, and 15.1-37-08 (**Early Childhood Education Program**)
- Chapter 17-07 (**Energy policy commission**)
- Section 19-24.1-38 – 19.24.1-39 (**Medical Marijuana Advisory Committee**)
- Section 23-35-02.3 (**Onsite wastewater recycling technical committee**)
- Chapter 34-16 (**Duties of labor commissioner**)
- Chapter 43-35 (**North Dakota board of water well contractors**)
- Section 50-06-05.6 (**Committee on aging**)
- Section 50-06.4-10 (**Brain injury advisory council**)
- Sections 50-11.1-25, 50-11.1-26, and 50-11.1-27 (**North Dakota early childhood council**)
- Section 52-02-07 (**State unemployment insurance advisory council**)
- Section 54-34.3-10 (**Commission on the status of women**)
- Section 54-54-10 (**Poet Laureate Nominating Board**)
- Section 54-59-25 (**Health information technology advisory committee**)
- Sections 54-59-33, 54-59-35, and 54-59-38 (**Statewide longitudinal data system committee**)
- Section 54-60-25 (**North Dakota rural development council**)
- Sections 61-04.1-04, 61-04.1-05, 61-04.1-06, 61-04.1-07, and 61-04.1-10 (**North Dakota atmospheric resource board**)
- Chapter 61-36 (**Devils Lake outlets management advisory committee**)

Section 39. Repeal.

- Repeals sections 55-01-13 and 55-01-14 (America 250 commission)

Section 40. Effective Date.

- Makes Section 39 (the repeal of the America 250 commission) effective on December 31, 2026. This was a clerical error in the engrossed version of the bill, and the proposed amendment corrects this.

Section 41. Expiration Date.

- Repeals the Boards review task force (Section 10 of the bill) effectively on December 2, 2026. This was a clerical error in the engrossed version of the bill, and the proposed amendment corrects this.

Senate Bill 2308
Government and Veterans Affairs
Rep. Austen Schauer, Chair
Thursday, March 13, 2025
Pioneer Room, State Capitol

Good afternoon, Chair Schauer and members of the Government and Veterans Affairs Committee. One priority for our administration is to refocus our efforts in state government to be consumer driven. The legislation before you today sets out to review all boards, commissions, committees, councils, and task forces. The goal of this task force will be to understand which boards can be combined, dissolved, and which ones are essential to the core functions of government.

To give background on the why behind this legislation: Today in state government we have over 150 boards and commissions. Approximately 1,500 individuals make up these boards, with the Governor appointing over two-thirds.

Senate Bill 2308 dissolves 17 boards. In some cases, agencies will absorb or take over the scope of the board's work. Too often government has a tendency to stay in our silos, which in turn leads to duplicative work. Our goal for the task force is to create efficiencies and make sure the mission of these boards and commissions is still relevant today.

This task force will be housed in the Governor's Office. My team will carry out the administrative duties of the task force. Testifying after me will be Reed Johnson to break down the bill section by section and Jacy Schafer to dive further into the reason for the task force and why each board was chosen to be dissolved.

Finally, we are aligning ourselves with the national trend in finding ways to reduce government. Every one of these boards – even the volunteer boards – costs money. It takes enormous staff time and resources to ensure all boards can function. I look forward to continuing to work on this bill with all of you to reduce the footprint of government and save North Dakota taxpayers money.

**Senate Bill 2308
Government and Veterans Affairs
Rep. Austen Schauer, Chair
Thursday, March 13, 2025
Pioneer Room, State Capitol**

Good afternoon, Chair Schauer and members of the Government and Veterans Affairs Committee. I am Jacy Schafer, Deputy Chief of Staff on Gov. Armstrong's team. I joined Gov. Armstrong's team last March while he was campaigning for governor. One thing our team heard on the campaign trail was the need to refocus our efforts in state government to be consumer driven.

During the campaign and transition into office we started the process of reviewing boards and visiting with other states that have passed similar legislation. We also looked at the interim study done by the former labor commissioner. In preparation for this session, our team evaluated what could be eliminated or absorbed by a state agency to prevent duplicative work. In addition, we also worked to identify boards, commissions, and task forces that were no longer mission critical.

In developing the list of 17 boards proposed for elimination in Senate Bill 2308, all boards were notified they would be eliminated if the bill passed. We received feedback from many who felt their work could either be continued under an agency or was no longer mission critical to the state of North Dakota.

I would like to highlight a few that are proposed for elimination today:

Energy policy commission (known as EmPower)

- This commission was established under Executive Order under Senator Hoeven's leadership as governor. Later it was codified in Century Code. When it was established, the energy industry was going in many directions prior to the rebirth of the Bakken. We reached out to the partners on the commission, and they felt it had served its purpose.

Midwest interstate passenger rail compact

- The purpose is to identify and seek to develop partnerships between states, the rail industry and labor to develop a long-term, interstate plan for high-speed rail passenger service. Our agencies already are in communication with those around the Midwest, building the relationships needed to further develop rail around the Midwest.

America 250 Commission

- In 2026, we will celebrate America's 250th birthday. This commission is a prime example of a commission being established for a unique purpose and need but not adding a sunset date to dissolve it. We simply added a sunset date for this commission to fulfill its purpose and expire Dec. 31, 2026.

Under SB 2308, the task force will review all governmental boards, commissions, committees, councils, and task forces. Boards will be asked to state their purpose and mission, how many times they meet in a calendar year, meeting attendance, and other questions the task force deems relevant.

Our goal is to ensure this task force finds efficiencies, prevents duplicative work, and eliminates boards or commissions no longer mission critical to the state of North Dakota. Thank you for allowing me to share further background with you today, and I will stand for any questions.

Good morning, Chairman Schauer and members of this committee.

My name is William Schaff, a licensed well driller since the mid 90's And have been in the well drilling industry since 1979. I am currently the Vice President of the N.D. Well Driller's Association which meets at least 4 times per year. At these meetings we discuss all the different aspects of the water industry and it's changes. The N.D. Well Driller's Association along with The S.D. Well Driller's Association hold a convention once per year to keep up with any changes in the water industry. At our convention we have vendors and suppliers of products used in our industry and at the same time we hold education classes and compare notes. I understand that not everyone here knows a lot about well drilling, but we all know the water at our faucets doesn't naturally appear. Senate Bill 2308 seems to be designed to minimize citizen input. The N.D. Board of Water Well Contractors is self-funded through licensing fees and adds a lot of support to the state of ND (Cutting government waste --- What a good idea !!) I am not opposed to a legislative management study and review, I am however in opposition of the dismantling of this board. Feel free to ask me any questions, Kind regards and good day.

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2308
3/20/2025

relating to occupational and professional boards, the midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee

9:18 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Representatives Bahl, Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff
Members absent: Vice Chairman Satrom

Discussion Topics:

- Wells
- Performance evaluations
- Board members

9:19 a.m. Reed Johnson, Legal Intern at the Governor's Office, introduced amendments relating to reports on information of wells; relating to issue performance evaluations; relating to occupational board members, #45371.

9:30 a.m. Chairman Schauer closed the meeting.

Jackson Toman, Committee Clerk

#2 Reed Johnson

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- Section 54-54-10 (Poet Laureate Nominating Board)
- Section 54-59-25 (Health information technology advisory committee)
- Sections 54-59-33, 54-59-35, and 54-59-38 (Statewide longitudinal data system committee)
- Section 54-60-25 (North Dakota rural development council)
- Sections 61-04.1-04, 61-04.1-05, 61-04.1-06, 61-04.1-07, and 61-04.1-10 (North Dakota atmospheric resource board)
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2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2308
3/20/2025

relating to occupational and professional boards, the midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee

2:58 p.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, Vetter, Wolff
Members absent: Representative VanWinkle

Discussion Topics:

- Superintendent of Public Instruction
- Committee action

2:58 p.m. Jacy Schafer, Deputy Chief of Staff for Governor Armstrong, testified and answered questions.

3:01 p.m. Reed Johnson, Legal Intern of the Governor's Office, recapped amendments relating to the Superintendent of Public Instruction previous testimony #41303.

3:07 p.m. Representative Bahl moved to amend the bill relating to duties of the Superintendent of Public Instruction testimony #41303.

3:07 p.m. Representative Wolff seconded the motion.

3:08 p.m. Voice vote passed.

3:09 p.m. Representative Bahl moved a Do Pass as amended.

3:09 p.m. Representative Wolff seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	N
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Timothy Brown	Y
Representative Karen Grindberg	Y
Representative Karen Karls	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y

Representative Lori VanWinkle	AB
Representative Steve Vetter	N
Representative Christina Wolff	Y

3:11 p.m. Motion passed 11-2-1.

Representative Bahl will carry the bill.

3:13 p.m. Chairman Schauer adjourned the meeting.

Jackson Toman, Committee Clerk

CO
3/29/25
10629

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED 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 23.1-01, a new section to chapter
2 54-07, and a new section to chapter 61-03 of the North Dakota Century Code, relating to
3 standards for well drilling and installation of water well pumps, pitless units, and monitoring
4 wells, a boards review task force, and requirements for firms engaged in water well work,
5 installation of water well pump and pitless units, monitoring well work, and drilling of geothermal
6 systems; to amend and reenact section 6-09-43, subdivision j of subsection 2 of section
7 15.1-01-04, sections 15.1-07-33 and 23-35-02.2, subsection 1 of section 50-06-01.4, sections
8 52-02-02 and 52-02-08, subsection 1 of section 54-07-01.2, sections 54-54-05, 54-59-26,
9 54-59-27, 54-59-34, 54-59-36, 54-59-37, 54-59-39, 61-03-01.3, 61-04.1-03, 61-04.1-08,
10 61-04.1-09, 61-04.1-12, 61-04.1-14, 61-04.1-15, 61-04.1-16, 61-04.1-17, 61-04.1-18,
11 61-04.1-19, 61-04.1-20, 61-04.1-21, 61-04.1-33, 61-04.1-34, 61-04.1-37, 61-04.1-38, and
12 61-04.1-39, and subdivision a of subsection 2 of section 65-02-03.1 of the North Dakota
13 Century Code, relating to the wastewater recycling treatment guide, boards and commissions,
14 the unemployment insurance advisory council, gubernatorial appointments, the committee on
15 aging, health information technology advisory committee, statewide longitudinal data system
16 committee, atmospheric resource board, the department of health and human services, the
17 council on the arts, the state engineer, the superintendent of public instruction, job service North
18 Dakota, and workforce safety and insurance coordinating committee; to repeal chapter 8-11.1,
19 sections 12-48-06.1, 15.1-37-05, 15.1-37-06, and 15.1-37-08, chapter 17-07, sections
20 19-24.1-38, 19-24.1-39, and 23-35-02.3, chapters 34-16 and 43-35, sections 50-06-05.6,
21 50-06.4-10, 50-11.1-25, 50-11.1-26, 50-11.1-27, 52-02-07, 54-34.3-10, 54-54-10, 54-59-25,
22 54-59-33, 54-59-35, 54-59-38, 54-60-25, 55-01-13, 55-01-14, 61-04.1-04, 61-04.1-05,

Sixty-ninth
Legislative Assembly

1 61-04.1-06, 61-04.1-07, and 61-04.1-10, and chapter 61-36 of the North Dakota Century Code,
2 relating to occupational and professional boards, the midwest interstate passenger rail compact,
3 prison industry advisory committee, energy policy commission, medical marijuana advisory
4 committee, onsite wastewater recycling technical committee, state board of water well
5 contractors, committee on aging, brain injury advisory council, early childhood council,
6 unemployment insurance advisory council, commission on the status of women, health
7 information technology advisory committee, poet laureate nominating board, rural development
8 council, America 250 commission, atmospheric resource board, and Devils Lake outlet
9 management advisory committee; to provide for a legislative management report; to provide an
10 effective date; and to provide an expiration date.

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

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

14 **6-09-43. Health information technology planning loan fund - Appropriation.**

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

1 with the health information technology advisory committee, may approve the
2 application of a qualified applicant that meets the criteria established by the health
3 information technology office director. The health information technology office shall
4 forward approved applications to the Bank. Upon approval of the application by the
5 Bank, the Bank shall make the loan from the revolving loan fund as provided under
6 this section.

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

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

17 j. The following gubernatorial appointees:

- 18 (1) ~~An individual representing the statewide longitudinal data system~~
19 ~~committee;~~
20 ~~(2)~~ An individual representing tribal school interests;
21 ~~(3)~~(2) An individual employed as a public school administrator;
22 ~~(4)~~(3) An individual employed as a public school principal;
23 ~~(5)~~(4) An individual employed as a public elementary school teacher;
24 ~~(6)~~(5) An individual employed as a public secondary school teacher;
25 ~~(7)~~(6) A director of a special education unit; and
26 ~~(8)~~(7) A director of a regional education association.

27 **SECTION 3. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **15.1-07-33. Student information system - Exemption.**

30 1. Notwithstanding any other technology requirements imposed by the superintendent of
31 public instruction or the information technology department, each school district shall

implement the state student information system administered by the ~~information technology department~~superintendent of public instruction 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.

SECTION 4. AMENDMENT. Section 23-35-02.2 of the North Dakota Century Code is amended and reenacted as follows:

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

Each public health unit shall adopt the statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies established by the ~~onsite wastewater recycling technical committee~~department of environmental quality.

SECTION 5. A new section to chapter 23.1-01 of the North Dakota Century Code is created and enacted as follows:

Standards for well drilling and installation of water well pumps, pitless units, and monitoring wells - Reports required.

1. All construction of water wells must comply with the rules adopted by the department of environmental quality. ~~Within thirty days after the completion of each well, each water well contractor shall furnish to the department on forms provided by the department any information required by the department, including a log of formations penetrated, well depth, and casing size and weight. A copy of each report also must be furnished to the customer. All information submitted must remain the property of the department.~~

- 1 2. All installation of water well pumps and pitless units must comply with the rules
- 2 adopted by the department of environmental quality.
- 3 3. All monitoring wells constructed must comply with the rules adopted by the department
- 4 of environmental quality. Each monitoring well contractor shall furnish all reports
- 5 required by the rules of the department.
- 6 4. All drilling of geothermal systems must comply with the rules adopted by the
- 7 department of environmental quality and the state geologist.

8 **SECTION 6. AMENDMENT.** Subsection 1 of section 50-06-01.4 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 1. The department includes the state hospital, the regional human service centers, a
- 11 vocational rehabilitation unit, public health division, and other units or offices and
- 12 administrative and fiscal support services as the commissioner of the department
- 13 determines necessary. The department must be structured to promote efficient and
- 14 effective operations and, consistent with fulfilling its prescribed statutory duties, shall
- 15 act as the official agency of the state in the discharge of the following functions not
- 16 otherwise by law made the responsibility of another state agency:
- 17 a. (1) Administration of programs for children and families, including adoption
- 18 services and the licensure of child-placing agencies, foster care services
- 19 and the licensure of foster care arrangements, certification of shelter care
- 20 services, child protection services, children's trust fund, licensure of early
- 21 childhood programs, refugee services, in-home community-based services,
- 22 quality control, and administration of the interstate compacts on the
- 23 placement of children and juveniles, and the early childhood services
- 24 advisory board.
- 25 (2) Administration of programs to identify all available options for effectively
- 26 maximizing the provision of early childhood services within the state and
- 27 address the coordinated utilization of facilities and personnel for the
- 28 provision of early childhood services within the state.
- 29 b. Administration of programs for individuals with developmental disabilities,
- 30 including licensure of facilities and services, the establishment funding for family

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- 1 members and corporate guardianships, and the design and implementation of a
2 community-based service system for persons in need of habilitation.
- 3 c. Administration of aging service programs, including nutrition, transportation,
4 advocacy, social, ombudsman, recreation, and related services funded under the
5 Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and
6 community-based services, licensure of adult foster care homes, and the
7 committee on aging.
- 8 d. Administration of behavioral health programs, including reviewing and identifying
9 service needs and activities in the state's behavioral health system in an effort to
10 ensure health and safety, access to services, and quality of services; establishing
11 quality assurance standards for the licensure of substance use disorder program
12 services and facilities; providing policy leadership in partnership with public and
13 private entities; and providing chronic disease management, regional intervention
14 services, and twenty-four-hour crisis services for individuals with behavioral
15 health disorders.
- 16 e. Administration of economic assistance programs, including temporary assistance
17 for needy families, the supplemental nutrition assistance program, home energy
18 assistance, child care assistance, refugee assistance, work experience, work
19 incentive, and quality control.
- 20 f. Administration of medical service programs, including medical assistance for
21 children's health insurance program, Medicaid waivers, early and periodic
22 screening, diagnosis and treatment, utilization control, autism services, and
23 claims processing.
- 24 g. Administration of general assistance.
- 25 h. Administration of child support.
- 26 i. Administration of program, services, and licensing outlined in title 23 and other
27 previous duties of the state department of health and state health council.
- 28 j. Administration of a program to improve the quality of life for an individual with
29 brain injury and the individual's family through brain injury awareness, prevention,
30 research, education, collaboration, support services, and advocacy.

1 **SECTION 7. AMENDMENT.** Section 52-02-02 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **52-02-02. Powers, duties, organization, and methods of procedure of bureau - Seal.**

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

12 **SECTION 8. AMENDMENT.** Section 52-02-08 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **52-02-08. Bureau ~~and advisory councils~~ to take steps to stabilize employment.**

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

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

26 **SECTION 9. AMENDMENT.** Subsection 1 of section 54-07-01.2 of the North Dakota
27 Century Code is amended and reenacted as follows:

- 28 1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1,
29 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,
30 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
31 members of the following boards and commissions must, subject to the limitations of

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1 this section, be considered to have resigned from such boards and commissions
2 effective January first of the first year of each four-year term of the governor:

- 3 a. The aeronautics commission.
- 4 b. The milk marketing board.
- 5 c. The dairy promotion commission.
- 6 d. The state banking board.
- 7 e. The state credit union board.
- 8 f. The advisory board of directors to the Bank of North Dakota.
- 9 g. The pardon advisory board.
- 10 h. The state parole board.
- 11 i. The state board of public school education.
- 12 j. The education standards and practices board.
- 13 k. The board of trustees of the teachers' fund for retirement.
- 14 l. The state game and fish advisory board.
- 15 m. The environmental review advisory council.
- 16 n. The board of animal health.
- 17 o. The administrative committee on veterans' affairs.
- 18 p. ~~The committee on aging.~~
- 19 q. ~~The commission on the status of women.~~
- 20 r. The North Dakota council on the arts.
- 21 ~~s-q.~~ The state historical board.
- 22 ~~t-r.~~ The state water commission.

23 **SECTION 10.** A new section to chapter 54-07 of the North Dakota Century Code is created
24 and enacted as follows:

25 **Boards review task force - Report to legislative management.**

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

- 28 a. Review and assess all boards, commissions, committees, councils, and task
29 forces for inefficiencies and duplication of responsibilities;
- 30 ~~b. Issue performance evaluations; and~~

1 e.b. Make recommendations to the legislative assembly regarding minimizing and
2 streamlining government operations through the consolidation or elimination of
3 boards, commissions, committees, councils, and task forces.

4 2. In addition to the governor or the governor's designee, who shall serve as the
5 presiding officer of the task force, the task force must include:

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

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

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

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

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

14 f. A member representative of an occupational licensing board, appointed by the
15 governor.

16 g. A member at large, appointed by the governor.

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

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

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

54-54-05. Duties of council.

The duties of the council are:

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

SECTION 12. AMENDMENT. Section 54-59-26 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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- 1 i. Consult and coordinate with the department of health and human services to
- 2 facilitate the collection of health information from health care providers and state
- 3 agencies for public health purposes, including identifiable health information that
- 4 may be used by state agencies, departments, or institutions to comply with
- 5 applicable state or federal laws.
- 6 3. ~~If the health information technology advisory committee determines that establishing a~~
- 7 ~~health information exchange with another state or states will assist in providing health~~
- 8 ~~information exchange services in a cost-effective manner, the~~The health information
- 9 technology office director, ~~in collaboration with the health information technology~~
- 10 ~~advisory committee~~, may join with another state or states to establish, implement, and
- 11 administer a health information exchange consistent with ~~other provisions of this~~
- 12 chapter.

13 **SECTION 13. AMENDMENT.** Section 54-59-27 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **54-59-27. Health information technology office - Electronic health information**
16 **exchange fund.**

- 17 1. There is created an electronic health information exchange fund. The fund consists of
- 18 moneys deposited in the fund from federal or other sources or moneys transferred into
- 19 the fund as directed by the legislative assembly. The health information technology
- 20 office shall administer this fund and shall distribute moneys in the fund accordingly.
- 21 The moneys in the fund must be used to facilitate and expand electronic health
- 22 information exchange. Moneys in the fund may be used, subject to legislative
- 23 appropriations, to provide services directly, for grants as provided under this section,
- 24 and for the costs of administration of the fund.
- 25 2. A grant applicant shall submit an application to the health information technology
- 26 office, which shall determine the applicant's eligibility based upon criteria established
- 27 by the health information technology office director ~~in collaboration with the health~~
- 28 ~~information technology advisory committee.~~
- 29 3. This section does not create an entitlement to any funds available for grants under this
- 30 section. The health information technology office may award these grants to the extent

1 funds are available and, within the office's discretion, to the extent such applications
2 are approved.

3 **SECTION 14. AMENDMENT.** Section 54-59-34 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **54-59-34. Statewide longitudinal data system ~~committee~~ - Information technology**
6 **department - Duties.**

- 7 1. ~~The statewide longitudinal data system committee~~department shall manage a
8 statewide longitudinal data system among education, workforce, and training entities
9 that:
- 10 a. Provides for the dissemination of management information to stakeholders and
11 partners of state education, training, and employment systems;
- 12 b. Is required to provide on an annual basis to education and workforce
13 development programs, to the extent permitted by federal law, the wage record
14 interchange system 2 data sharing agreement and the state wage interchange
15 system data sharing agreement and state performance reports that measure the
16 aggregate outcomes of participants in the workforce and continuing education
17 programs, including private workforce and education programs that request the
18 reports; and
- 19 c. Uses data from educational and workforce systems as central sources of
20 statewide longitudinal data.
- 21 2. The department may, subject to federal and state privacy laws, enter interagency
22 agreements, including agreements designating authorized representatives of the
23 educational agencies participating in the system, under the Family Educational Rights
24 and Privacy Act [20 U.S.C. 1232(g); 34 CFR 99].
- 25 3. ~~The statewide longitudinal data system committee~~department shall establish policies
26 and adopt rules addressing access to and the collection, storage, and sharing of
27 information and the systems necessary to perform those functions, subject to
28 applicable federal and state privacy laws and interagency agreements and restrictions
29 relating to confidential information required to conform to applicable federal and state
30 privacy laws.

1 ~~3.4.~~ The ~~statewide longitudinal data system committee~~department shall provide operational
2 oversight for information sharing activities and make recommendations for and provide
3 oversight of information sharing budgets.

4 ~~4.5.~~ The ~~statewide longitudinal data system committee in consultation with the information~~
5 ~~technology~~ department shall:

- 6 a. Establish the terms and conditions under which a person may be authorized to
7 access data through the statewide longitudinal data system;
8 b. Direct that all statewide longitudinal data system administrators implement
9 approved data protection practices to ensure the security of electronic and
10 physical data, provided that the practices include requirements for encryption and
11 staff training;
12 c. Provide for biennial privacy and security audits of the statewide longitudinal data
13 system;
14 d. Establish protocols, including procedures, for the notification of students and
15 parents in the event of a data breach involving the statewide longitudinal data
16 system;
17 e. Require that data retention and disposition by the statewide longitudinal data
18 system be governed by the same policies as those instituted for the information
19 technology department; and
20 f. Require the provision of annual training regarding data protection to any
21 individuals who have access to the statewide longitudinal data system, including
22 school district employees, employees of the North Dakota university system
23 office and institutions under the control of the state board of higher education,
24 and elected or appointed state or local governmental officials.

25 6. The department may authorize studies to benefit and improve workforce training and
26 education.

27 **SECTION 15. AMENDMENT.** Section 54-59-36 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **54-59-36. Statewide longitudinal data system ~~committee~~ - Report to legislative**
2 **management.**

3 During each interim the ~~statewide longitudinal data system committee~~department shall
4 provide a report regarding the statewide longitudinal data system to one or more committees
5 designated by the legislative management and shall provide recommendations for further
6 development, cost proposals, proposals for legislation, and recommendations for data sharing
7 governance.

8 **SECTION 16. AMENDMENT.** Section 54-59-37 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **54-59-37. Statewide longitudinal data system ~~committee~~ - Continuing appropriation.**

11 The ~~statewide longitudinal data system committee~~department may solicit and receive gifts,
12 grants, and donations from public and private sources. Any moneys received in accordance with
13 this section are appropriated on a continuing basis for the support of the statewide longitudinal
14 data system.

15 **SECTION 17. AMENDMENT.** Section 54-59-39 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **54-59-39. State agencies - Mandatory provision of information - Confidentiality.**

- 18 1. The information technology department may request from any state agency:
- 19 a. All information required by 20 U.S.C. 9871(e)(2)(D);
- 20 b. Any other educational information ~~the statewide longitudinal data system~~
21 ~~committee determines~~ is required for a longitudinal data system to comply with
22 state or federal law; and
- 23 c. Unemployment insurance wage data from job service North Dakota for education
24 and workforce development program evaluations, except that the information
25 technology department may not redisclose any data identifying an individual
26 unless the redisclosure is expressly permitted by a written agreement between
27 job service North Dakota and the department or is otherwise expressly permitted
28 or required by federal or state law.
- 29 2. A state agency providing information requested under subsection 1 shall enter an
30 interagency agreement with the department which identifies applicable federal and
31 state privacy laws and agency-established restrictions relating to its confidential

1 information the agency has determined is required to comply with federal and state
2 privacy laws.

3 3. Subject to applicable restrictions on the use and disclosure of confidential information
4 required to comply with federal and state privacy laws and the terms of the
5 interagency agreement, any state agency receiving a request for information under
6 subsection 1 shall provide the information at the time and in the manner required by
7 the information technology department.

8 **SECTION 18. AMENDMENT.** Section 61-03-01.3 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **61-03-01.3. Director - State engineer - Powers and duties.**

11 1. The director shall:

- 12 a. Enforce all rules adopted by the department;
13 b. Hire a state engineer who is a qualified professional engineer, has appropriate
14 hydrology experience, and will report to the director;
15 c. Hire other employees as necessary to carry out the duties of the department and
16 director;
17 d. Organize the department in an efficient manner; and
18 e. Take any other action necessary and appropriate for administration of the
19 department.
20 f. Adopt rules to license water well contractors, water well pump and pitless unit
21 installers, monitoring well contractors, and geothermal system drillers.
22 g. Advise the governor and the state water commission regarding operations of
23 Devils Lake outlets.
24 h. Recommend an operational plan for the Devils Lake outlet based on Sheyenne
25 River capacity and water quality considerations.

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

29 **SECTION 19.** A new section to chapter 61-03 of the North Dakota Century Code is created
30 and enacted as follows:

Requirements for firms engaged in water well work, installation of water well pumps and pitless units, monitoring well work, and drilling of geothermal systems - Exceptions.

1. A person, partnership, association, corporation, or limited liability company may not engage in the business of constructing a water well in this state unless at all times a certified water well contractor, who is responsible for the proper construction or alteration of a water well, is in charge. This section does not prohibit any person, partnership, association, corporation, or limited liability company from constructing any water well on the person's or entity's own premises for the person's or entity's own use.
2. A person may not engage in the business of installing water well pumps and pitless units in the state after July 1, 1986, unless a certified installer, who is responsible for the proper installation of the pump and pitless unit, is in charge of the installation. This chapter does not prohibit any person from installing water well pumps and pitless units on that person's own premises for that person's own use.
3. A person may not engage in the business of constructing a monitoring well in this state unless at all times a certified monitoring well contractor, who is responsible for the proper construction or alteration of the monitoring well, is in charge. This section does not prohibit any person from installing a monitoring well on that person's own premises for that person's own use.
4. A person may not engage in the business of drilling geothermal systems in the state after July 1, 2008, unless a certified driller, who is responsible for the proper drilling of the geothermal system, is in charge of the drilling. This section does not prohibit a person from drilling geothermal systems on that person's own premises for that person's own use.
5. Within thirty days after the completion of each well, each water well contractor shall report to the department, on forms provided by the department, any information required by the department, including a log of formations penetrated, well depth, and casing size and weight. The water well contractor shall provide a copy of the report to the customer. All information submitted to the department must remain the property of the department.

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

3 **61-04.1-03. Definitions.**

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

- 5 1. ~~"Board" means the North Dakota atmospheric resource board which, in the exercise of~~
6 ~~the powers granted under this chapter, has all of the powers of an administrative~~
7 ~~agency as defined in chapter 28-32.~~
- 8 2. "Controller" refers to any licensee duly authorized in this state to engage in weather
9 modification operations.
- 10 ~~3.2.~~ "Geographical region" means a geographical area with a contiguous boundary that
11 may enclose a portion of any county or counties.
- 12 ~~4.3.~~ "Hail suppression" refers to the activation of any process that will reduce, modify,
13 suppress, eliminate, or soften hail formed in clouds or storms.
- 14 ~~5.4.~~ "Increasing precipitation" refers to the activation of any process that will actually result
15 in greater amounts of moisture reaching the ground in any area from a cloud or cloud
16 system than would have occurred naturally.
- 17 ~~6.5.~~ "Initiating precipitation" refers to the process of causing precipitation from clouds which
18 could not otherwise have occurred naturally or inducing precipitation significantly
19 earlier than would have occurred naturally.
- 20 ~~7.6.~~ "Operation" means the performance of any weather modification activity undertaken
21 for the purpose of producing or attempting to produce any form of modifying effect
22 upon the weather within a limited geographical area or within a limited period of time.
- 23 ~~8.7.~~ "Research and development" means exploration, field experimentation, and extension
24 of investigative findings and theories of a scientific or technical nature into practical
25 application for experimental and demonstration purposes, including the experimental
26 production of models, devices, equipment, materials, and processes.
- 27 ~~9.8.~~ "Weather modification" means and extends to the control, alteration, and amelioration
28 of weather elements, including man-caused changes in the natural precipitation
29 process, hail suppression or modification, and alteration of other weather phenomena,
30 including clouds, temperature, wind direction, and velocity, and the initiating,
31 increasing, decreasing, and otherwise modifying by artificial methods of precipitation in

1 the form of rain, snow, hail, mist, or fog through cloud seeding, electrification, or by
2 other means to provide immediate practical benefits.

3 ~~40-9.~~ "Weather modification authority" means the governing body created by a board of
4 county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27,
5 61-04.1-29, or 61-04.1-31.

6 **SECTION 21. AMENDMENT.** Section 61-04.1-08 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **61-04.1-08. Powers and duties of ~~board~~the department.**

9 The ~~board~~department has the following powers and duties:

- 10 1. The ~~board~~ shall appoint an executive director to serve at the board's discretion and to
11 perform duties assigned by the board.
- 12 2. The ~~board~~ shall authorize the employment of staff the board deems necessary to carry
13 out the provisions of this chapter. The executive director shall hire the staff, subject to
14 the approval of the board.
- 15 3. The ~~board~~department shall adopt rules concerning qualifications, procedures, and
16 conditions for issuance, revocation, suspension, and modification of licenses and
17 permits; standards and instructions governing weather modification operations,
18 including monitoring and evaluation, recordkeeping, and reporting, and the
19 ~~board~~department shall establish procedures and forms for this recordkeeping and
20 reporting. The ~~board~~department may adopt all other rules necessary to the
21 administration of this chapter. The provisions of chapter 28-32 apply to this chapter
22 and rules of the ~~board~~department must be published in the North Dakota
23 Administrative Code.
- 24 4.2. The ~~board~~department may contract with any person to carry out weather modification
25 operations and, in connection with regulated weather modification operations in a
26 county or geographical region, shall carry on monitoring and evaluation activities.
- 27 5.3. The ~~board~~department may order any person who is conducting weather modification
28 operations in violation of this chapter or any rules adopted to implement this chapter,
29 to cease and desist from those operations and the order is enforceable in any court of
30 competent jurisdiction within this state.

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- 1 ~~6.4.~~ The ~~board~~department may cooperate and contract with any person engaged in
2 activities similar to the work of the ~~board~~department and may make contracts and
3 agreements to carry out programs consistent with the purpose and intent of this
4 chapter. The ~~board~~department may request and accept any grants of funds or services
5 from any person and expend these funds or use these services to carry out this
6 chapter.
- 7 ~~7.5.~~ The ~~board~~department shall monitor the current state of knowledge regarding the
8 magnitude and impacts of possible regional and global climatic changes and shall
9 provide information to other state agencies that may benefit from this knowledge.
- 10 ~~8.6.~~ The ~~board~~department shall administer and enforce the provisions of this chapter and
11 do all things reasonably necessary to effectuate the purposes of this chapter.
- 12 ~~9.7.~~ The ~~board~~department may plan and study a hail suppression pilot program that would
13 provide urban and rural hail suppression operations statewide or to any portion of the
14 state.

15 **SECTION 22. AMENDMENT.** Section 61-04.1-09 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **61-04.1-09. BoardDepartment of water resources to establish research and**
18 **development program - Hail suppression pilot program.**

- 19 1. The ~~board~~department of water resources shall establish a program of weather
20 modification research and development in this state. The ~~board~~department shall
21 supervise and coordinate all research and development activities in the state or
22 research and development activities outside of the state participated in or conducted
23 by any state institution or state or county agency.
- 24 2. If the ~~board~~department plans and studies a hail suppression pilot program, the
25 ~~board~~department may conduct a planning phase that includes studying the impact on
26 the environment, providing public education, and formulating an operations plan.

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

29 **61-04.1-12. Exemptions.**

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

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

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

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

8 **SECTION 24. AMENDMENT.** Section 61-04.1-14 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **61-04.1-14. Issuance of license - Fee.**

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

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

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

24 **SECTION 25. AMENDMENT.** Section 61-04.1-15 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **61-04.1-15. Revocation or suspension of license.**

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

- 29 1. Incompetency.
- 30 2. Dishonest practice.

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1 3. False or fraudulent representations made in obtaining a license or permit under this
2 chapter.

3 4. Failure to comply with any provisions of this chapter or any rules adopted by the
4 ~~board~~department pursuant to this chapter.

5 **SECTION 26. AMENDMENT.** Section 61-04.1-16 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **61-04.1-16. Permit required - Issuance of permit - Fee.**

8 1. A weather modification permit ~~shall be~~is required for each geographical area, as set
9 out in the operational plan required by subdivision b, in which a person intends to
10 conduct weather modification operations. Each permit issued by the ~~board~~department
11 ~~shall expire~~department of water resources expires on December thirty-first of the year of
12 issuance. A person applying for a weather modification operational permit shall file an
13 application with the ~~board~~department, in such form as the ~~board~~department
14 ~~prescribes~~prescribes, which application ~~shall~~must be accompanied by an
15 application fee of twenty-five dollars and contain such information as the
16 ~~board~~department, by rule, may require, and in addition, each applicant for a permit
17 shall:

18 a. Furnish proof of financial responsibility as provided by section 61-04.1-19.

19 b. Set forth a complete operational plan for the proposed operation which ~~shall~~must
20 include a specific statement of its nature and object, a map of the proposed
21 operating area which specifies the primary target area for the proposed operation
22 and shows the area that is reasonably expected to be affected by such operation,
23 a statement of the approximate time during which the operation is to be
24 conducted, a list of the materials and methods to be used in conducting the
25 operation, and such other detailed information as may be needed to describe the
26 operation.

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

28 a. The applicant holds a valid weather modification license issued under this
29 chapter.

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

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- 1 c. The applicant has paid the required application fee.
- 2 d. The operation:
 - 3 (1) Is reasonably conceived to improve water quantity or quality, reduce loss
 - 4 from weather hazards, provide economic benefits for the people of this
 - 5 state, advance scientific knowledge, or otherwise carry out the purposes of
 - 6 this chapter.
 - 7 (2) Is designed to include adequate safeguards to minimize or avoid possible
 - 8 damage to the public health, safety, welfare, or the environment.
 - 9 (3) Will not adversely affect another operation for which a permit has been
 - 10 issued.
- 11 e. The applicant has North Dakota workforce safety and insurance coverage for all
- 12 employees working in this state.
- 13 f. The applicant has furnished a performance bond as required by section
- 14 61-04.1-34.
- 15 g. The applicant has complied with such other requirements for the issuance of
- 16 permits as may be required by the rules and regulations of the ~~board~~department.
- 17 h. The applicant has furnished a bid bond.
- 18 i. The applicant has registered, with the North Dakota aeronautics commission, any
- 19 aircraft intended to be used in connection with the operation.

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

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

30 **SECTION 27. AMENDMENT.** Section 61-04.1-17 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **61-04.1-17. Hearings.**

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

9 **SECTION 28. AMENDMENT.** Section 61-04.1-18 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **61-04.1-18. Revocation, suspension, or modification of permit.**

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

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

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

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

29 **SECTION 29. AMENDMENT.** Section 61-04.1-19 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **61-04.1-19. Proof of financial responsibility.**

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

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

10 **SECTION 30. AMENDMENT.** Section 61-04.1-20 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **61-04.1-20. ~~Board~~Department of water resources may create operating districts -**
13 **Representation of noncontracting counties.**

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

23 **SECTION 31. AMENDMENT.** Section 61-04.1-21 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **61-04.1-21. District operations advisory committees created - Duties.**

- 26 1. There must be a district operations advisory committee in each operations district
27 created in accordance with section 61-04.1-20. Each committee must be composed of
28 one commissioner of the weather modification authority, if a weather modification
29 authority exists, from each county within the district; a representative of each person
30 contracting for a geographical region assigned to the district; and one member of the
31 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 32. 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~~department shall undertake to contract department 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~~department ~~may not enter into a~~ 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 33. 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~~department shall contract department of water resources contracts with any controller, ~~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 will comply with all provisions of this chapter and the contract entered into by the ~~board~~department and the licensee.

1 **SECTION 34. AMENDMENT.** Section 61-04.1-37 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **61-04.1-37. Liability of controller.**

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

18 **SECTION 35. AMENDMENT.** Section 61-04.1-38 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **61-04.1-38. ~~Board~~Department of water resources may receive and expend funds.**

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

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

15 **SECTION 36. AMENDMENT.** Section 61-04.1-39 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **61-04.1-39. Payment for weather modification - State to provide funds.**

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

26 **SECTION 37. AMENDMENT.** Subdivision a of subsection 2 of section 65-02-03.1 of the
27 North Dakota Century Code is amended and reenacted as follows:

- 28 a. A departing member representing an employer must be replaced by a member
29 representing an employer, most of whose employees are in a different rate
30 classification than those of the employer represented by the departing member.
31 The governor shall appoint the member for an employer representative from a list

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1 of three potential candidates submitted by a coordinating committee appointed by
2 the governor, composed of an organization of business associations. The
3 organization shall accept qualified candidate recommendations received from
4 representatives from the associated general contractors of North Dakota, the
5 North Dakota petroleum council, the greater North Dakota chamber of
6 commerce, the North Dakota motor carriers association, the North Dakota
7 hospital association, the national federation of independent business, the lignite
8 energy council, and other statewide business interests.

9 **SECTION 38. REPEAL.** Chapter 8-11.1, sections 12-48-06.1, 15.1-37-05, 15.1-37-06, and
10 15.1-37-08, chapter 17-07, sections 19-24.1-38, 19-24.1-39, and 23-35-02.3, chapters 34-16
11 and 43-35, sections 50-06-05.6, 50-06.4-10, 50-11.1-25, 50-11.1-26, 50-11.1-27, 52-02-07,
12 54-34.3-10, 54-54-10, 54-59-25, 54-59-33, 54-59-35, 54-59-38, 54-60-25, 61-04.1-04,
13 61-04.1-05, 61-04.1-06, 61-04.1-07, and 61-04.1-10, and chapter 61-36 of the North Dakota
14 Century Code are repealed.

15 **SECTION 39. REPEAL.** Sections 55-01-13 and 55-01-14 of the North Dakota Century
16 Code are repealed.

17 **SECTION 40. EFFECTIVE DATE.** Section 4139 of this Act is effective December 31, 2026.

18 **SECTION 41. EXPIRATION DATE.** Section 4210 of this Act is effective through
19 December 1, 2026, and after that date is ineffective.

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2308**

Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **AMENDMENTS** ([25.0776.03003](#)) and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2308 was placed on the Sixth order on the calendar.

2025 CONFERENCE COMMITTEE

SB 2308

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2308
4/17/2025
Conference Committee

Relating to a boards review task force; and to the wastewater recycling treatment guide, boards and commissions, soil classifiers, the unemployment insurance advisory council, gubernatorial appointments, the committee on aging, health information technology advisory committee, statewide longitudinal data system committee, atmospheric resource board, the department of health and human services, the council on the arts, the state engineer, the superintendent of public instruction, job service North Dakota, and workforce safety and insurance coordinating committee, the Midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee, onsite wastewater recycling technical committee, state board of water well contractors, state board of registration for professional soil 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.

4:00 p.m. Chair Roers called the hearing to order.

Members Present: Chair Roers; Senators: Barta and Lee; Chairman Bahl; Representatives: Karls and Satrom

Discussion Topics:

- Department of Water Resources
- "Representative" instead of "member"

4:00 p.m. Chair Roers opened the hearing up for committee discussion regarding concerns brought forward by the board of waterwell contractors.

4:07 p.m. Reice Haase, Director Department of Water Resources, answered questions from the committee.

4:14 p.m. Representative Satrom asked that the wording for the new amendment be worked on and then the committee could meet again.

4:16 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2308
4/18/2025
Conference Committee

Relating to a boards review task force; and to the wastewater recycling treatment guide, boards and commissions, soil classifiers, the unemployment insurance advisory council, gubernatorial appointments, the committee on aging, health information technology advisory committee, statewide longitudinal data system committee, atmospheric resource board, the department of health and human services, the council on the arts, the state engineer, the superintendent of public instruction, job service North Dakota, and workforce safety and insurance coordinating committee, the Midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee, onsite wastewater recycling technical committee, state board of water well contractors, state board of registration for professional soil 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.

9:01 a.m. Chair Roers called the hearing to order.

Members Present: Chair Roers; Senators: Barta and Lee; Chairman Bahl; Representatives: Karls and Satrom

Discussion Topics:

- Committee Action

9:01 a.m. Chair Roers opened the hearing up for discussion on the language for an amendment.

9:04 a.m. Senator Lee moved amendment LC #25.0776.03006.

9:04 a.m. Senator Barta seconded the motion.

9:05 a.m. Voice vote - motion carried.

9:07 a.m. Senator Barta moved in place of House amendment LC #25.0776.03003 adopted by the House, the bill is amended by the conference committee amendment LC #25.0776.03006

9:07 a.m. Representative Karls seconded the motion.

9:08 a.m. Roll call vote - motion carried 4-2-0.

9:08 a.m. Senator Roers is the Senate bill carrier.

9:08 a.m. Representative Bahl is the House bill carrier.

9:10 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

April 18, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

CO
4/18/25
1 of 30

ENGROSSED SENATE BILL NO. 2308

Introduced by

Senators Roers, Hogue

Representatives Lefor, Louser

In place of amendment (25.0776.03003) adopted by the House, Engrossed Senate Bill No. 2308 is amended by amendment (25.0776.03006) as follows:

1 A BILL for an Act to create and enact a new section to chapter 23.1-01, a new section to chapter
2 54-07, and atwo new ~~section~~sections to chapter 61-03 of the North Dakota Century Code,
3 relating to standards for well drilling and installation of water well pumps, pitless units, and
4 monitoring wells, a boards review task force, a water well contractors advisory board, and
5 requirements for firms engaged in water well work, installation of water well pump and pitless
6 units, monitoring well work, and drilling of geothermal systems; to amend and reenact section
7 6-09-43, subdivision j of subsection 2 of section 15.1-01-04, sections 15.1-07-33 and
8 23-35-02.2, subsection 1 of section 50-06-01.4, sections 52-02-02 and 52-02-08, subsection 1
9 of section 54-07-01.2, sections 54-54-05, 54-59-26, 54-59-27, 54-59-34, 54-59-36, 54-59-37,
10 54-59-39, 61-03-01.3, 61-04.1-03, 61-04.1-08, 61-04.1-09, 61-04.1-12, 61-04.1-14, 61-04.1-15,
11 61-04.1-16, 61-04.1-17, 61-04.1-18, 61-04.1-19, 61-04.1-20, 61-04.1-21, 61-04.1-33,
12 61-04.1-34, 61-04.1-37, 61-04.1-38, and 61-04.1-39, and subdivision a of subsection 2 of
13 section 65-02-03.1 of the North Dakota Century Code, relating to the wastewater recycling
14 treatment guide, boards and commissions, the unemployment insurance advisory council,
15 gubernatorial appointments, the committee on aging, health information technology advisory
16 committee, statewide longitudinal data system committee, atmospheric resource board, the
17 department of health and human services, the council on the arts, the state engineer, the
18 superintendent of public instruction, job service North Dakota, and workforce safety and
19 insurance coordinating committee; to repeal chapter 8-11.1, sections 12-48-06.1, 15.1-37-05,
20 15.1-37-06, and 15.1-37-08, chapter 17-07, sections 19-24.1-38, 19-24.1-39, and 23-35-02.3,
21 chapters 34-16 and 43-35, 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, 54-54-10, 54-59-25, 54-59-33, 54-59-35, 54-59-38, 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, and 61-04.1-10, and chapter 61-36 of the North Dakota Century Code, relating to occupational and professional boards, the midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee, onsite wastewater recycling technical committee, state board of water well contractors, 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, poet laureate nominating board, rural development council, America 250 commission, atmospheric resource board, and Devils Lake outlet management advisory committee; to provide for a legislative management report; 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.

1 4. An application for a loan under this section must be made to the health information
2 technology office. The health information technology office director, ~~in collaboration~~
3 ~~with the health information technology advisory committee~~, may approve the
4 application of a qualified applicant that meets the criteria established by the health
5 information technology office director. The health information technology office shall
6 forward approved applications to the Bank. Upon approval of the application by the
7 Bank, the Bank shall make the loan from the revolving loan fund as provided under
8 this section.

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

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

- 19 j. The following gubernatorial appointees:
- 20 (1) ~~An individual representing the statewide longitudinal data system~~
21 ~~committee;~~
- 22 (2) An individual representing tribal school interests;
- 23 ~~(3)~~(2) An individual employed as a public school administrator;
- 24 ~~(4)~~(3) An individual employed as a public school principal;
- 25 ~~(5)~~(4) An individual employed as a public elementary school teacher;
- 26 ~~(6)~~(5) An individual employed as a public secondary school teacher;
- 27 ~~(7)~~(6) A director of a special education unit; and
- 28 ~~(8)~~(7) A director of a regional education association.

29 **SECTION 3. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is
30 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~~ superintendent of public instruction 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.

SECTION 4. AMENDMENT. Section 23-35-02.2 of the North Dakota Century Code is amended and reenacted as follows:

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

Each public health unit shall adopt the statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies established by the ~~onsite wastewater recycling technical committee~~ department of environmental quality.

SECTION 5. A new section to chapter 23.1-01 of the North Dakota Century Code is created and enacted as follows:

Standards for well drilling and installation of water well pumps, pitless units, and monitoring wells - Reports required.

1. All construction of water wells must comply with the rules adopted by the department of environmental quality. ~~Within thirty days after the completion of each well, each water well contractor shall furnish to the department on forms provided by the department any information required by the department, including a log of formations penetrated, well depth, and casing size and weight. A copy of each report also must be~~

1 furnished to the customer. All information submitted must remain the property of the
2 department.

3 2. All installation of water well pumps and pitless units must comply with the rules
4 adopted by the department of environmental quality.

5 3. All monitoring wells constructed must comply with the rules adopted by the department
6 of environmental quality. Each monitoring well contractor shall furnish all reports
7 required by the rules of the department.

8 4. All drilling of geothermal systems must comply with the rules adopted by the
9 department of environmental quality and the state geologist.

10 **SECTION 6. AMENDMENT.** Subsection 1 of section 50-06-01.4 of the North Dakota
11 Century Code is amended and reenacted as follows:

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

19 a. (1) Administration of programs for children and families, including adoption
20 services and the licensure of child-placing agencies, foster care services
21 and the licensure of foster care arrangements, certification of shelter care
22 services, child protection services, children's trust fund, licensure of early
23 childhood programs, refugee services, in-home community-based services,
24 quality control, and administration of the interstate compacts on the
25 placement of children and juveniles, and the early childhood services
26 advisory board.

27 (2) Administration of programs to identify all available options for effectively
28 maximizing the provision of early childhood services within the state and
29 address the coordinated utilization of facilities and personnel for the
30 provision of early childhood services within the state.

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

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

SECTION 7. AMENDMENT. Section 52-02-02 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 8. AMENDMENT. Section 52-02-08 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

SECTION 9. AMENDMENT. Subsection 1 of section 54-07-01.2 of the North Dakota Century Code is amended and reenacted as follows:

Sixty-ninth
Legislative Assembly

1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1, 12-55.1-02, 12-59-01, 15-39.1-05.1, 15.1-01-01, 15.1-13-02, 20.1-02-23, 23.1-01-02, 36-01-01, 37-18.1-01, ~~50-06-05.6, 54-34.3-10~~, 54-54-02, 55-01-01, and 61-02-04, all members of the following boards and commissions must, subject to the limitations of this section, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor:
 - a. The aeronautics commission.
 - b. The milk marketing board.
 - c. The dairy promotion commission.
 - d. The state banking board.
 - e. The state credit union board.
 - f. The advisory board of directors to the Bank of North Dakota.
 - g. The pardon advisory board.
 - h. The state parole board.
 - i. The state board of public school education.
 - j. The education standards and practices board.
 - k. The board of trustees of the teachers' fund for retirement.
 - l. The state game and fish advisory board.
 - m. The environmental review advisory council.
 - n. The board of animal health.
 - o. The administrative committee on veterans' affairs.
 - p. ~~The committee on aging.~~
 - q. ~~The commission on the status of women.~~
 - r. The North Dakota council on the arts.
 - s. ~~g.~~ The state historical board.
 - t. ~~r.~~ The state water commission.

SECTION 10. A new section to chapter 54-07 of the North Dakota Century Code is created and enacted as follows:

Boards review task force - Report to legislative management.

1. The office of the governor shall provide staffing and administrative services to the boards review task force. The task force shall:

- 1 a. Review and assess all boards, commissions, committees, councils, and task
- 2 forces for inefficiencies and duplication of responsibilities;
- 3 ~~b. Issue performance evaluations; and~~
- 4 ~~e.b.~~ Make recommendations to the legislative assembly regarding minimizing and
- 5 streamlining government operations through the consolidation or elimination of
- 6 boards, commissions, committees, councils, and task forces.
- 7 2. In addition to the governor or the governor's designee, who shall serve as the
- 8 presiding officer of the task force, the task force must include:
- 9 a. A member of the senate, appointed by the senate majority leader.
- 10 b. A member of the house of representatives, appointed by the house of
- 11 representatives majority leader.
- 12 c. A representative of an organization representing cities, appointed by the
- 13 governor.
- 14 d. A representative of an organization representing counties, appointed by the
- 15 governor.
- 16 e. A representative of the business community, appointed by the governor.
- 17 f. A ~~member~~ representative of an occupational licensing board, appointed by the
- 18 governor.
- 19 g. 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 office of the governor. A state employee who is a member of the task force
- 23 is entitled to receive that employee's regular salary and is entitled to reimbursement
- 24 for 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.

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

6 **54-54-05. Duties of council.**

7 The duties of the council are:

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

23 **SECTION 12. AMENDMENT.** Section 54-59-26 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **54-59-26. Health information technology office - Duties - Loan and grant programs.**

- 26 1. The health information technology office is created in the department. ~~The health~~
27 ~~information technology advisory committee shall make recommendations to the health~~
28 ~~information technology office for implementing an interoperable health information~~
29 ~~infrastructure that is consistent with emerging national standards; promote the~~
30 ~~adoption and use of electronic health records and other health information~~
31 ~~technologies; and promote interoperability of health information systems for the~~

~~purpose of improving health care quality, patient safety, and the overall efficiency of
health care and public health services.~~

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

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

- 1 h. Determine fees and charges for access and participation in the health information
- 2 exchange. Any moneys collected under this subdivision must be deposited in the
- 3 electronic health information exchange fund.
- 4 i. Consult and coordinate with the department of health and human services to
- 5 facilitate the collection of health information from health care providers and state
- 6 agencies for public health purposes, including identifiable health information that
- 7 may be used by state agencies, departments, or institutions to comply with
- 8 applicable state or federal laws.
- 9 3. ~~If the health information technology advisory committee determines that establishing a~~
- 10 ~~health information exchange with another state or states will assist in providing health~~
- 11 ~~information exchange services in a cost-effective manner, the~~The health information
- 12 technology office director, ~~in collaboration with the health information technology~~
- 13 ~~advisory committee,~~ may join with another state or states to establish, implement, and
- 14 administer a health information exchange consistent with ~~other provisions of this~~
- 15 chapter.

16 **SECTION 13. AMENDMENT.** Section 54-59-27 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **54-59-27. Health information technology office - Electronic health information**
19 **exchange fund.**

- 20 1. There is created an electronic health information exchange fund. The fund consists of
- 21 moneys deposited in the fund from federal or other sources or moneys transferred into
- 22 the fund as directed by the legislative assembly. The health information technology
- 23 office shall administer this fund and shall distribute moneys in the fund accordingly.
- 24 The moneys in the fund must be used to facilitate and expand electronic health
- 25 information exchange. Moneys in the fund may be used, subject to legislative
- 26 appropriations, to provide services directly, for grants as provided under this section,
- 27 and for the costs of administration of the fund.
- 28 2. A grant applicant shall submit an application to the health information technology
- 29 office, which shall determine the applicant's eligibility based upon criteria established
- 30 by the health information technology office director ~~in collaboration with the health~~
- 31 ~~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 14. AMENDMENT.** Section 54-59-34 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-59-34. Statewide longitudinal data system ~~committee~~ - Information technology**
8 **department - Duties.**

- 9 1. The ~~statewide longitudinal data system committee~~department shall manage a
10 statewide longitudinal data system among education, workforce, and training entities
11 that:
- 12 a. Provides for the dissemination of management information to stakeholders and
13 partners of state education, training, and employment systems;
- 14 b. Is required to provide on an annual basis to education and workforce
15 development programs, to the extent permitted by federal law, the wage record
16 interchange system 2 data sharing agreement and the state wage interchange
17 system data sharing agreement and state performance reports that measure the
18 aggregate outcomes of participants in the workforce and continuing education
19 programs, including private workforce and education programs that request the
20 reports; and
- 21 c. Uses data from educational and workforce systems as central sources of
22 statewide longitudinal data.
- 23 2. The department may, subject to federal and state privacy laws, enter interagency
24 agreements, including agreements designating authorized representatives of the
25 educational agencies participating in the system, under the Family Educational Rights
26 and Privacy Act [20 U.S.C. 1232(g); 34 CFR 99].
- 27 3. The ~~statewide longitudinal data system committee~~department shall establish policies
28 and adopt rules addressing access to and the collection, storage, and sharing of
29 information and the systems necessary to perform those functions, subject to
30 applicable federal and state privacy laws and interagency agreements and restrictions

1 relating to confidential information required to conform to applicable federal and state
2 privacy laws.

3 ~~3.4.~~ The ~~statewide longitudinal data system committee~~ department shall provide operational
4 oversight for information sharing activities and make recommendations for and provide
5 oversight of information sharing budgets.

6 ~~4.5.~~ The ~~statewide longitudinal data system committee in consultation with the information~~
7 ~~technology~~ department shall:

- 8 a. Establish the terms and conditions under which a person may be authorized to
9 access data through the statewide longitudinal data system;
- 10 b. Direct that all statewide longitudinal data system administrators implement
11 approved data protection practices to ensure the security of electronic and
12 physical data, provided that the practices include requirements for encryption and
13 staff training;
- 14 c. Provide for biennial privacy and security audits of the statewide longitudinal data
15 system;
- 16 d. Establish protocols, including procedures, for the notification of students and
17 parents in the event of a data breach involving the statewide longitudinal data
18 system;
- 19 e. Require that data retention and disposition by the statewide longitudinal data
20 system be governed by the same policies as those instituted for the information
21 technology department; and
- 22 f. Require the provision of annual training regarding data protection to any
23 individuals who have access to the statewide longitudinal data system, including
24 school district employees, employees of the North Dakota university system
25 office and institutions under the control of the state board of higher education,
26 and elected or appointed state or local governmental officials.

27 6. The department may authorize studies to benefit and improve workforce training and
28 education.

29 **SECTION 15. AMENDMENT.** Section 54-59-36 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **54-59-36. Statewide longitudinal data system ~~committee~~ - Report to legislative**
2 **management.**

3 During each interim the ~~statewide longitudinal data system committee~~department shall
4 provide a report regarding the statewide longitudinal data system to one or more committees
5 designated by the legislative management and shall provide recommendations for further
6 development, cost proposals, proposals for legislation, and recommendations for data sharing
7 governance.

8 **SECTION 16. AMENDMENT.** Section 54-59-37 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **54-59-37. Statewide longitudinal data system ~~committee~~ - Continuing appropriation.**

11 The ~~statewide longitudinal data system committee~~department may solicit and receive gifts,
12 grants, and donations from public and private sources. Any moneys received in accordance with
13 this section are appropriated on a continuing basis for the support of the statewide longitudinal
14 data system.

15 **SECTION 17. AMENDMENT.** Section 54-59-39 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **54-59-39. State agencies - Mandatory provision of information - Confidentiality.**

- 18 1. The information technology department may request from any state agency:
- 19 a. All information required by 20 U.S.C. 9871(e)(2)(D);
- 20 b. Any other educational information ~~the statewide longitudinal data system~~
21 ~~committee determines~~ is required for a longitudinal data system to comply with
22 state or federal law; and
- 23 c. Unemployment insurance wage data from job service North Dakota for education
24 and workforce development program evaluations, except that the information
25 technology department may not redisclose any data identifying an individual
26 unless the redisclosure is expressly permitted by a written agreement between
27 job service North Dakota and the department or is otherwise expressly permitted
28 or required by federal or state law.
- 29 2. A state agency providing information requested under subsection 1 shall enter an
30 interagency agreement with the department which identifies applicable federal and
31 state privacy laws and agency-established restrictions relating to its confidential

1 information the agency has determined is required to comply with federal and state
2 privacy laws.

3 3. Subject to applicable restrictions on the use and disclosure of confidential information
4 required to comply with federal and state privacy laws and the terms of the
5 interagency agreement, any state agency receiving a request for information under
6 subsection 1 shall provide the information at the time and in the manner required by
7 the information technology department.

8 **SECTION 18. AMENDMENT.** Section 61-03-01.3 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **61-03-01.3. Director - State engineer - Powers and duties.**

11 1. The director shall:

- 12 a. Enforce all rules adopted by the department;
13 b. Hire a state engineer who is a qualified professional engineer, has appropriate
14 hydrology experience, and will report to the director;
15 c. Hire other employees as necessary to carry out the duties of the department and
16 director;
17 d. Organize the department in an efficient manner; and
18 e. Take any other action necessary and appropriate for administration of the
19 department.
20 f. Adopt rules to license water well contractors, water well pump and pitless unit
21 installers, monitoring well contractors, and geothermal system drillers.
22 g. Advise the governor and the state water commission regarding operations of
23 Devils Lake outlets.
24 h. Recommend an operational plan for the Devils Lake outlet based on Sheyenne
25 River capacity and water quality considerations.

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

29 **SECTION 19.** A new section to chapter 61-03 of the North Dakota Century Code is created
30 and enacted as follows:

Water well contractors advisory board.

1. The water well contractors advisory board is established and consists of:
 - a. The director, or director's designee.
 - b. Three water well contractors, appointed by the governor.
 - c. One geothermal system driller or one monitoring well contractor, appointed by the governor.
 - d. One water well pump and pitless unit installer, appointed by the governor.
 - e. One member at large, appointed by the governor.
2. The advisory board:
 - a. Shall advise the department in the adoption and implementation of rules for the certification and regulation of water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.
 - b. May receive reports from the department on the status and activities of the certification and regulation of water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.
 - c. May provide recommendations to the department and the legislative management on the certification and regulation of water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.
 - d. Shall collaborate with the department to manage the fiduciary responsibilities of certification and regulation of water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.

SECTION 20. A new section to chapter 61-03 of the North Dakota Century Code is created and enacted as follows:

Requirements for firms engaged in water well work, installation of water well pumps and pitless units, monitoring well work, and drilling of geothermal systems - Exceptions.

1. A person, partnership, association, corporation, or limited liability company may not engage in the business of constructing a water well in this state unless at all times a certified water well contractor, who is responsible for the proper construction or alteration of a water well, is in charge. This section does not prohibit any person, partnership, association, corporation, or limited liability company from constructing any

1 water well on the person's or entity's own premises for the person's or entity's own
2 use.

3 2. A person may not engage in the business of installing water well pumps and pitless
4 units in the state after July 1, 1986, unless a certified installer, who is responsible for
5 the proper installation of the pump and pitless unit, is in charge of the installation. This
6 chapter does not prohibit any person from installing water well pumps and pitless units
7 on that person's own premises for that person's own use.

8 3. A person may not engage in the business of constructing a monitoring well in this state
9 unless at all times a certified monitoring well contractor, who is responsible for the
10 proper construction or alteration of the monitoring well, is in charge. This section does
11 not prohibit any person from installing a monitoring well on that person's own premises
12 for that person's own use.

13 4. A person may not engage in the business of drilling geothermal systems in the state
14 after July 1, 2008, unless a certified driller, who is responsible for the proper drilling of
15 the geothermal system, is in charge of the drilling. This section does not prohibit a
16 person from drilling geothermal systems on that person's own premises for that
17 person's own use.

18 5. Within thirty days after the completion of each well, each water well contractor shall
19 report to the department, on forms provided by the department, any information
20 required by the department, including a log of formations penetrated, well depth, and
21 casing size and weight. Each water well contractor shall provide a copy of the report to
22 the customer. All information submitted to the department must remain the property of
23 the department.

24 **SECTION 21. AMENDMENT.** Section 61-04.1-03 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **61-04.1-03. Definitions.**

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

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

- 1 ~~2.~~ "Controller" refers to any licensee duly authorized in this state to engage in weather
2 modification operations.
- 3 ~~3.2.~~ "Geographical region" means a geographical area with a contiguous boundary that
4 may enclose a portion of any county or counties.
- 5 ~~4.3.~~ "Hail suppression" refers to the activation of any process that will reduce, modify,
6 suppress, eliminate, or soften hail formed in clouds or storms.
- 7 ~~5.4.~~ "Increasing precipitation" refers to the activation of any process that will actually result
8 in greater amounts of moisture reaching the ground in any area from a cloud or cloud
9 system than would have occurred naturally.
- 10 ~~6.5.~~ "Initiating precipitation" refers to the process of causing precipitation from clouds which
11 could not otherwise have occurred naturally or inducing precipitation significantly
12 earlier than would have occurred naturally.
- 13 ~~7.6.~~ "Operation" means the performance of any weather modification activity undertaken
14 for the purpose of producing or attempting to produce any form of modifying effect
15 upon the weather within a limited geographical area or within a limited period of time.
- 16 ~~8.7.~~ "Research and development" means exploration, field experimentation, and extension
17 of investigative findings and theories of a scientific or technical nature into practical
18 application for experimental and demonstration purposes, including the experimental
19 production of models, devices, equipment, materials, and processes.
- 20 ~~9.8.~~ "Weather modification" means and extends to the control, alteration, and amelioration
21 of weather elements, including man-caused changes in the natural precipitation
22 process, hail suppression or modification, and alteration of other weather phenomena,
23 including clouds, temperature, wind direction, and velocity, and the initiating,
24 increasing, decreasing, and otherwise modifying by artificial methods of precipitation in
25 the form of rain, snow, hail, mist, or fog through cloud seeding, electrification, or by
26 other means to provide immediate practical benefits.
- 27 ~~10.9.~~ "Weather modification authority" means the governing body created by a board of
28 county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27,
29 61-04.1-29, or 61-04.1-31.

30 **SECTION 22. AMENDMENT.** Section 61-04.1-08 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **61-04.1-08. Powers and duties of ~~board~~the department.**

2 The ~~board~~department has the following powers and duties:

- 3 1. ~~The board shall appoint an executive director to serve at the board's discretion and to~~
4 ~~perform duties assigned by the board.~~
- 5 2. ~~The board shall authorize the employment of staff the board deems necessary to carry~~
6 ~~out the provisions of this chapter. The executive director shall hire the staff, subject to~~
7 ~~the approval of the board.~~
- 8 3. The ~~board~~department shall adopt rules concerning qualifications, procedures, and
9 conditions for issuance, revocation, suspension, and modification of licenses and
10 permits; standards and instructions governing weather modification operations,
11 including monitoring and evaluation, recordkeeping, and reporting, and the
12 ~~board~~department shall establish procedures and forms for this recordkeeping and
13 reporting. The ~~board~~department may adopt all other rules necessary to the
14 administration of this chapter. The provisions of chapter 28-32 apply to this chapter
15 and rules of the ~~board~~department must be published in the North Dakota
16 Administrative Code.
- 17 4.2. The ~~board~~department may contract with any person to carry out weather modification
18 operations and, in connection with regulated weather modification operations in a
19 county or geographical region, shall carry on monitoring and evaluation activities.
- 20 5.3. The ~~board~~department may order any person who is conducting weather modification
21 operations in violation of this chapter or any rules adopted to implement this chapter,
22 to cease and desist from those operations and the order is enforceable in any court of
23 competent jurisdiction within this state.
- 24 6.4. The ~~board~~department may cooperate and contract with any person engaged in
25 activities similar to the work of the ~~board~~department and may make contracts and
26 agreements to carry out programs consistent with the purpose and intent of this
27 chapter. The ~~board~~department may request and accept any grants of funds or services
28 from any person and expend these funds or use these services to carry out this
29 chapter.

1 7-5. The ~~board~~department shall monitor the current state of knowledge regarding the
2 magnitude and impacts of possible regional and global climatic changes and shall
3 provide information to other state agencies that may benefit from this knowledge.

4 8-6. The ~~board~~department shall administer and enforce the provisions of this chapter and
5 do all things reasonably necessary to effectuate the purposes of this chapter.

6 9-7. The ~~board~~department may plan and study a hail suppression pilot program that would
7 provide urban and rural hail suppression operations statewide or to any portion of the
8 state.

9 **SECTION 23. AMENDMENT.** Section 61-04.1-09 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **61-04.1-09. ~~Board~~Department of water resources to establish research and**
12 **development program - Hail suppression pilot program.**

13 1. The ~~board~~department of water resources shall establish a program of weather
14 modification research and development in this state. The ~~board~~department shall
15 supervise and coordinate all research and development activities in the state or
16 research and development activities outside of the state participated in or conducted
17 by any state institution or state or county agency.

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

21 **SECTION 24. AMENDMENT.** Section 61-04.1-12 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **61-04.1-12. Exemptions.**

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

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

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

3 **SECTION 25. AMENDMENT.** Section 61-04.1-14 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **61-04.1-14. Issuance of license - Fee.**

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

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

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

19 **SECTION 26. AMENDMENT.** Section 61-04.1-15 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **61-04.1-15. Revocation or suspension of license.**

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

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

30 **SECTION 27. AMENDMENT.** Section 61-04.1-16 of the North Dakota Century Code is
31 amended and reenacted as follows:

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

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

- 1 (2) Is designed to include adequate safeguards to minimize or avoid possible
- 2 damage to the public health, safety, welfare, or the environment.
- 3 (3) Will not adversely affect another operation for which a permit has been
- 4 issued.
- 5 e. The applicant has North Dakota workforce safety and insurance coverage for all
- 6 employees working in this state.
- 7 f. The applicant has furnished a performance bond as required by section
- 8 61-04.1-34.
- 9 g. The applicant has complied with such other requirements for the issuance of
- 10 permits as may be required by the rules ~~and regulations~~ of the ~~board~~department.
- 11 h. The applicant has furnished a bid bond.
- 12 i. The applicant has registered, with the North Dakota aeronautics commission, any
- 13 aircraft intended to be used in connection with the operation.

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

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

24 **SECTION 28. AMENDMENT.** Section 61-04.1-17 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **61-04.1-17. Hearings.**

27 The ~~board~~department of water resources shall give public notice, in the official county
28 newspaper or newspapers in the area of the state reasonably expected to be affected by
29 operations conducted under a permit, that it is considering an application for such permit, and, if
30 objection to the issuance of the permit is received by the ~~board~~department within twenty days,
31 the ~~board~~department may hold a public hearing for the purpose of obtaining information from

1 the public concerning the effects of issuing the permit. The ~~board~~department may also hold
2 such hearings upon its own motion.

3 **SECTION 29. AMENDMENT.** Section 61-04.1-18 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **61-04.1-18. Revocation, suspension, or modification of permit.**

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

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

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

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

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

23 **SECTION 30. AMENDMENT.** Section 61-04.1-19 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **61-04.1-19. Proof of financial responsibility.**

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

30 1. Presentation to the ~~board~~department of proof of a prepaid noncancelable insurance
31 policy against such liability, in an amount approved by the ~~board~~department.

- 1 2. Filing with the ~~board~~department a corporate surety bond, cash, or negotiable
2 securities in an amount approved by the ~~board~~department.

3 **SECTION 31. AMENDMENT.** Section 61-04.1-20 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **61-04.1-20. ~~Board~~Department of water resources may create operating districts -**
6 **Representation of noncontracting counties.**

7 The ~~board~~department of water resources may place any county or geographical region for
8 which a person contracts with the state for weather modification operations in any operational
9 district the ~~board~~department determines necessary to best provide that county or geographical
10 region with the benefits of weather modification. In determining the boundaries of an operating
11 district, the ~~board~~deparatment shall consider the patterns of crops within the state, climatic
12 patterns, and the limitations of aircraft and other technical equipment. The ~~board~~department
13 may assign any county that has not created a weather modification authority under this chapter
14 to an operating district solely for the purpose of representation on the operations committee of
15 that district.

16 **SECTION 32. AMENDMENT.** Section 61-04.1-21 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **61-04.1-21. District operations advisory committees created - Duties.**

- 19 1. There must be a district operations advisory committee in each operations district
20 created in accordance with section 61-04.1-20. Each committee must be composed of
21 one commissioner of the weather modification authority, if a weather modification
22 authority exists, from each county within the district; a representative of each person
23 contracting for a geographical region assigned to the district; and one member of the
24 board of county commissioners from each county assigned to the district. Each
25 advisory committee, upon majority vote, with the concurrence of the ~~board~~department
26 of water resources, shall adopt rules and bylaws necessary to govern that committee's
27 procedures and meetings. Each committee shall evaluate weather modification
28 operations within that committee's district and make recommendations and proposals
29 to the ~~board~~department concerning these operations.
- 30 2. The weather modification authority of any county authorized to contract for weather
31 modification operations under this chapter which is not assigned to an operations

1 district shall assume the functions of the district operations committee and may
2 exercise the powers and duties assigned to the operations committees by this chapter
3 and by the rules of the ~~board~~department.

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

6 **61-04.1-33. Bids required - When.**

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

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

17 **61-04.1-34. Performance bond, cash, or negotiable securities required.**

18 Before the ~~board~~shall contractdepartment of water resources contracts with any controller,
19 ~~the department~~ shall require the controller to furnish a surety bond or cash or negotiable
20 securities for the faithful performance of the contract in such amount as determined by the
21 ~~board~~department, conditioned that the licensee and the licensee's agents will in all respects
22 faithfully perform all weather modification contracts undertaken with the ~~board~~department and
23 will comply with all provisions of this chapter and the contract entered into by the
24 ~~board~~department and the licensee.

25 **SECTION 35. AMENDMENT.** Section 61-04.1-37 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **61-04.1-37. Liability of controller.**

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

2. Dissemination of materials and substances into the atmosphere by a permittee acting within the conditions and limits of the permittee's permit ~~shall~~do not constitute trespass.
3. Except as provided in this section and in section 61-04.1-36, ~~nothing in~~ this chapter ~~shall~~does not prevent any person adversely affected by a weather modification operation from recovering damages resulting from negligent or intentionally harmful conduct by a permittee.
4. The fact that a person holds a license or was issued a permit under this chapter, or that the person has complied with the rules adopted by the ~~board~~ pursuant ~~to~~ department of water resources under this chapter, is not admissible as a defense in any legal action which may be brought against the person.

SECTION 36. AMENDMENT. Section 61-04.1-38 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The ~~board~~department of water resources may receive and accept in the name of the state any funds that are offered or become available from any federal grant or appropriation, private gift, donation, or bequest, county funds, or funds from any other source except license and permit fees, and to expend these funds for the expense of administering this chapter, and, with the exception of county funds and funds from any other person contracting with the ~~board~~department for weather modification operations, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency in this state by direct grant, contract, or other means.
2. All federal grants, federal appropriations, private gifts, donations, or bequests, county funds, or funds from any other source except license and permit fees, received by the ~~board~~department must be paid over to the state treasurer, who shall credit this amount to a ~~special fund in the state treasury known as the state weather modification fund~~the water commission fund. All proceeds deposited by the state treasurer in the ~~state weather modification~~water commission fund are appropriated to the ~~board~~department and, if expended, must be disbursed by warrant-check prepared by the office of

1 management and budget upon vouchers submitted by the ~~board~~department and must
2 be used for the purpose of paying for the expense of administration of this chapter
3 and, with the exception of county funds or funds from any other person contracting
4 with the ~~board~~department for weather modification operations, for the encouragement
5 of research and development in weather modification by any private person, the North
6 Dakota state university, the university of North Dakota, or any other appropriate state,
7 county, or public agency by direct grant, contract, or other means.

8 **SECTION 37. AMENDMENT.** Section 61-04.1-39 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **61-04.1-39. Payment for weather modification - State to provide funds.**

11 Any weather modification authority or person that contracted with the ~~board~~department of
12 water resources for weather modification operations under this chapter shall appropriate to the
13 ~~state weather modification~~water commission fund the amount determined by the
14 ~~board~~department to be necessary to provide that weather modification authority or person with
15 weather modification operations. The ~~board~~department may expend, from the ~~state weather~~
16 ~~modification~~water commission fund, the funds the ~~board~~department deems necessary to
17 provide a contracting weather modification authority or person with weather modification
18 operations.

19 **SECTION 38. AMENDMENT.** Subdivision a of subsection 2 of section 65-02-03.1 of the
20 North Dakota Century Code is amended and reenacted as follows:

- 21 a. A departing member representing an employer must be replaced by a member
22 representing an employer, most of whose employees are in a different rate
23 classification than those of the employer represented by the departing member.
24 The governor shall appoint the member for an employer representative from a list
25 of three potential candidates submitted by a ~~coordinating committee appointed by~~
26 ~~the governor, composed of an~~ organization of business associations. The
27 organization shall accept qualified candidate recommendations received from
28 representatives from the associated general contractors of North Dakota, the
29 North Dakota petroleum council, the greater North Dakota chamber of
30 commerce, the North Dakota motor carriers association, the North Dakota

1 hospital association, the national federation of independent business, the lignite
2 energy council, and other statewide business interests.

3 **SECTION 39. REPEAL.** Chapter 8-11.1, sections 12-48-06.1, 15.1-37-05, 15.1-37-06, and
4 15.1-37-08, chapter 17-07, sections 19-24.1-38, 19-24.1-39, and 23-35-02.3, chapters 34-16
5 and 43-35, sections 50-06-05.6, 50-06.4-10, 50-11.1-25, 50-11.1-26, 50-11.1-27, 52-02-07,
6 54-34.3-10, 54-54-10, 54-59-25, 54-59-33, 54-59-35, 54-59-38, 54-60-25, 61-04.1-04,
7 61-04.1-05, 61-04.1-06, 61-04.1-07, and 61-04.1-10, and chapter 61-36 of the North Dakota
8 Century Code are repealed.

9 **SECTION 40. REPEAL.** Sections 55-01-13 and 55-01-14 of the North Dakota Century
10 Code are repealed.

11 **SECTION 41. EFFECTIVE DATE.** Section ~~41~~40 of this Act is effective December 31, 2026.

12 **SECTION 42. EXPIRATION DATE.** ~~Section 12~~Sections 10 and 19 of this Act ~~is~~are effective
13 through December 1, 2026, and after that date ~~is~~are ineffective.

SB 2308 041825 0908 AM Roll Call Vote

Final Recommendation

SB 2308

Date Submitted: April 18, 2025, 9:08 a.m.

Recommendation: In Place Of

Amendment LC #: 25.0776.03006

Engrossed LC #: N/A

Description:

Motioned By: Barta, Jeff

Seconded By: Karls, Karen

House Carrier: Bahl, Landon

Senate Carrier: Roers, Kristin

Emergency Clause: None

Vote Results: 4 - 2 - 0

Sen. Roers, Kristin	Yea
Sen. Barta, Jeff	Yea
Sen. Lee, Judy	Nay
Rep. Bahl, Landon	Yea
Rep. Karls, Karen	Yea
Rep. Satrom, Bernie	Nay

**REPORT OF CONFERENCE COMMITTEE
ENGROSSED SB 2308**

Your conference committee (Sens. Roers, Barta, Lee and Reps. Bahl, Karls, Satrom) recommends that in place of amendment [25.0776.03003](#) adopted by the House, Engrossed SB 2308 is amended by amendment [25.0776.03006](#).

Engrossed SB 2308 was placed on the Seventh order of business on the calendar.