

Introduced by

Legislative Management

(Judiciary Committee)

1 A BILL for an Act to amend and reenact section 4.1-01-19, paragraph 6 of subdivision b of
2 subsection 2 of section 10-19.1-115, subsection 1 of section 15.1-07-33, subsection 6 of section
3 23-02.1-27, sections 23-07-07.6, 43-17-06, 43-17-14, 43-17-17, 43-17-24, 43-17-25, and
4 43-17-30, subsection 1 of section 54-07-01.2, and sections 57-51-16 and 61-04-06.2 of the
5 North Dakota Century Code, relating to technical corrections and improper, inaccurate,
6 redundant, missing, or obsolete references; and to repeal section 61-03-05.1 of the North
7 Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant,
8 missing, or obsolete references.

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

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

12 **4.1-01-19. Environmental impact - Cost of participation.**

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

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

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

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

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

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

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

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

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

24 1. Notwithstanding any other provision of law, the state department of health or any other
25 agency shall release the results of any testing for any reportable disease performed on
26 an individual convicted of a crime who is imprisoned if the request is made by any
27 individual and the individual provides written proof from the administrator of the facility
28 with control over the individual imprisoned which states that the individual has had a
29 significant exposure ~~as defined in section 23-07.3-01.~~

30 2. For purposes of this section, "significant exposure" means:

- 1 a. Contact of broken skin or mucous membrane with a patient's or other individual's
2 blood or bodily fluids other than tears or perspiration;
3 b. The occurrence of a needle stick or scalpel or instrument wound in the process of
4 caring for a patient; or
5 c. Exposure that occurs by any other method of transmission defined by the state
6 department of health as a significant exposure.

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

9 **43-17-06. Officers of the board.**

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

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

16 **43-17-14. Compensation - Expenses of board and the members thereof.**

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

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

24 **43-17-17. Application for license.**

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

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

1 **43-17-24. Physicians register with the board.**

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

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

9 **43-17-25. Registration fee.**

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

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

15 **43-17-30. Payment of delinquent registration fee - Reinstatement.**

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

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

- 23 1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1,
24 12-55.1-02, 12-59-01, 15-39.1-05.1, 15.1-01-01, 15.1-13-02, 20.1-02-23, 23-01-02,
25 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
26 61-02-04, all members of the following boards and commissions must, subject to the
27 limitations of this section, be considered to have resigned from such boards and
28 commissions effective January first of the first year of each four-year term of the
29 governor:
- 30 a. The aeronautics commission.
 - 31 b. The milk marketing board.

- 1 c. The dairy promotion commission.
- 2 d. The state banking board.
- 3 e. The state credit union board.
- 4 f. The advisory board of directors to the Bank of North Dakota.
- 5 g. The pardon advisory board.
- 6 h. The state parole board.
- 7 i. The state board of public school education.
- 8 j. The education standards and practices board.
- 9 k. The board of trustees of the teachers' fund for retirement.
- 10 l. The state game and fish advisory board.
- 11 m. The health council.
- 12 n. The environmental review advisory council.
- 13 o. The board of animal health.
- 14 p. The administrative committee on veterans' affairs.
- 15 q. The committee on aging.
- 16 r. The commission on the status of women.
- 17 s. The North Dakota council on the arts.
- 18 t. The state historical board.
- 19 u. The state water commission.
- 20 ~~v. The state water pollution control board.~~

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

23 **57-51-16. Distribution of proceeds in certain cases.**

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

1 Revenue received by the county under this section must be allocated within the county as
2 provided in ~~subsection 3~~ of section 57-51-15.

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

5 **61-04-06.2. Terms of permit - Disposition of fees.**

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

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