

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2035
(Legislative Management)
(Judiciary Committee)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

- (6) The period of duration as provided in the articles has expired and has not been extended as provided in section ~~40-19.1-124~~10-19.1-127;

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

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

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

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

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

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

1. Notwithstanding any other provision of law, the state department of health or any other agency shall release the results of any testing for any reportable disease performed on an individual convicted of a crime who is imprisoned if the request is made by any individual and the individual provides written proof from the administrator of the facility with control over the individual imprisoned which states that the individual has had a significant exposure ~~as defined in section 23-07-3-01.~~
2. For purposes of this section, "significant exposure" means:
 - a. Contact of broken skin or mucous membrane with a patient's or other individual's blood or bodily fluids other than tears or perspiration;
 - b. The occurrence of a needle stick or scalpel or instrument wound in the process of caring for a patient; or
 - c. Exposure that occurs by any other method of transmission defined by the state department of health as a significant exposure.

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

43-17-06. Officers of the board.

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

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

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

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

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

43-17-17. Application for license.

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

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

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

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

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

43-17-25. Registration fee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2035.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 89 Nays 2 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State