

AERONAUTICS

CHAPTER 69

S. B. No. 219
(Holand)

AIRCRAFT REGISTRATION FEES

AN ACT

To amend and reenact sections 2-05-11 and 2-05-18 of the North Dakota Century Code, relating to aircraft registration fees and aerial spraying license fees, creating a fund within the state treasury in which such fees are to be deposited, and providing for distribution of such fees and an effective date.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 2-05-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-05-11. Aircraft Registration—Fees.) Every aircraft operating within this state for more than thirty days shall be registered with the commission for each year in which the aircraft is operated within this state, subject to rules and regulations established by the commission. The commission shall charge for each such registration, and for each annual renewal thereof, the following fees:

Gross Weight in Pounds	License Fees
0 to 1,000.....	\$ 15.00
1,001 to 1,500.....	18.75
1,501 to 2,000.....	22.50
2,001 to 2,500.....	30.00
2,501 to 3,000.....	37.50
3,001 to 3,500.....	45.00
3,501 to 4,000.....	52.50
4,001 to 5,000.....	60.00
5,001 to 6,000.....	75.00
6,001 to 7,000.....	90.00
7,001 to 8,000.....	105.00
8,001 to 9,000.....	120.00
9,001 to 10,000.....	135.00
10,001 to 15,000.....	150.00
15,001 to 20,000.....	225.00
20,001 to 30,000.....	300.00
30,001 to 40,000.....	450.00

40,001 to 50,000.....	600.00
50,001 to 75,000.....	750.00
75,001 to 100,000.....	1,125.00
100,001 and over.....	1,500.00

The above fees to be reduced ten percent each year after the initial registration until the fee reaches a figure equal to fifty percent of the original registration fee, which shall be the fee each year thereafter. All weights shall be based upon the maximum permissible take-off weight. The above registration fee shall be in lieu of personal property taxes upon such aircraft. There is hereby created an aeronautics distribution fund within the treasury of the state of North Dakota. All fees received from the provisions of this section shall be deposited in the aeronautics distribution fund. Seventy-five percent of the fees so collected and deposited in the aeronautics distribution fund shall be distributed by the state treasurer on vouchers prepared by the commission to the treasurer of the county of the registrant's residence or if the registrant is not a resident of North Dakota then to the treasurer of the county in which is located the airport at which the registrant's aircraft is based and the county treasurer shall pay such remittances over to the municipality operating an airport within said county; provided that if there is more than one publicly owned and operated airport within said county, that the said moneys shall be prorated between said public airports on the same ratio that the assessed value of each municipality operating an airport shall bear to the total assessed value of all municipalities operating airports within said county; and if there are no publicly owned or operated airports in said county, said remittances so paid to the county treasurer shall be held and retained by said treasurer in a separate fund to be used in the future for airport purposes.

The remaining twenty-five percent shall be transferred to the state general fund. The distribution of the fees in the aeronautics fund as hereinbefore provided shall be accomplished at the end of each calendar year.

§ 2. **Amendment.)** Section 2-05-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-05-18. License for Aerial Spraying—Regulations—Penalties.) No person shall engage in aerial spraying without first obtaining a license for each aircraft used in such activities as provided in this section. Application shall be made for such license to the North Dakota aeronautics commission upon forms provided by the commission for such purpose. Upon the payment of a license fee of fifteen dollars for each aircraft to

be licensed, and upon compliance with such reasonable rules and regulations as may be promulgated by the aeronautics commission for the safety and protection of persons and property, the commission shall issue a license for such aircraft to be used in aerial spraying. Persons engaged in private spraying shall be required to pay same fee for the use of aircraft for this purpose, and shall comply with all rules and regulations promulgated by the commission for aerial spraying. The license and fees provided in this section shall be in addition to any other license or registration required by law, and the proceeds shall be deposited in the aeronautics distribution fund. One-half of the proceeds shall be distributed by the state treasurer from the aeronautics distribution fund to the county treasurer upon vouchers prepared by the commission, to be divided equally to approved publicly owned or operated airfields in said county. The remaining fifty percent shall be transferred to the state general fund.

Any person violating any provision of this section or rules or regulations promulgated under the authority of this section shall be punished by a fine of not exceeding one hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment.

§ 3. Effective Date.) The provisions of this Act shall become effective January 1, 1966.

Approved March 17, 1965.

CHAPTER 70

S. B. No. 159

(Becker, Dahlund, Trenbeath, Berube, Witteman)

AERONAUTICS COMMISSION POWERS

AN ACT

To amend and reenact section 2-06-01.1 of the 1963 Supplement to the North Dakota Century Code, relating to the airport authority powers of the North Dakota aeronautics commission, the operation of airports and establishing charges, and making an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 2-06-01.1 of the Airport Authorities Act of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-06-01.1. Aeronautics Commission May Exercise Powers of Airport Authority—Exceptions.) The North Dakota aeronautics commission shall have all powers of an airport authority as defined in this chapter, except powers to certify or levy taxes or issue bonds, for the purpose of constructing and operating a public airport near the International Peace Garden and for constructing and operating such other public airports or landing fields near international border ports of entry as the aeronautics commission may determine to be in the public interest.

§ 2. Airport Operation and Income.) The aeronautics commission shall have operational control of airports constructed under the provisions of section 2-06-01.1 and may provide for the imposition of landing fees, granting of fuel and service concessions, or the lease of portions of the premises for other related airport services or for purposes not inconsistent with the use of the premises for airport purposes. All income from the operation of such airports shall be deposited in the state treasury in a special operating fund to be known as the airport operating fund. All expenditures from such fund shall be within the limits of legislative appropriations and shall be made upon vouchers, signed and approved by the director of the aeronautics commission. Upon approval of such vouchers by the state auditing board, warrant-checks for such expenditures shall be prepared by the department of accounts and purchases.

§ 3. Appropriation.) There is hereby appropriated and may be expended from the airport operating fund by the aeronautics commission for the purpose of operating and improving airports constructed and operated in accordance with section 2-06-01.1, the sum of \$4,000.00 or so much thereof as may be necessary, during the biennium beginning July 1, 1965, and ending June 30, 1967.

Approved March 20, 1965.

CHAPTER 71

S. B. No. 169

(Roen, Thompson, Redlin, Ringsak, Kisse, Van Horn, Ruemmele)

WEATHER MODIFICATION

AN ACT

Relating to weather control and artificial modification thereof; designating an authority for licensing and registration of controllers; fixing fees; declaration of the state's sovereign right to use of moisture contained in clouds; providing for intergovernmental cooperation; permitting counties to levy a tax for weather modification activities; fixing penalties; acceptance and expenditure of funds or grants by the authority and exclusion of the state of North Dakota and any county of any liability in connection therewith, and creating subsection 19 of section 58-03-07 of the North Dakota Century Code, relating to powers of township electors.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Declaration of Purposes.) In order that the state may share to the fullest extent in the benefits already gained through fundamental research and investigation on new and improved means for predicting, influencing and controlling the weather, for the best interest, general welfare, health and safety of all the people of the state, and to provide proper safeguards in applying the measures for use in connection therewith in order to protect life and property, it is deemed necessary and hereby declared that the state of North Dakota claims its sovereign right to use the moisture contained in the clouds and atmosphere within the sovereign state boundaries.

§ 2. Definitions.) As used herein, unless the context or subject matter otherwise requires:

1. "Weather modification" means and extends to the control, alteration, amelioration of weather elements including man-caused changes in the natural precipitation process, hail suppression or modification and alteration of other weather phenomena including temperature, wind direction and velocity, and the initiating, increasing, decreasing and otherwise modifying by artificial methods of precipitation in the form of rain, snow, hail, mist or fog through cloud seeding, electrification or by other means to provide immediate practical benefits;
2. "Initiating precipitation" refers to the process of causing precipitation from clouds that could not otherwise, or inducing precipitation significantly earlier than would have occurred naturally;

3. "Increasing precipitation" refers to the activation of any process which will actually result in greater amounts of moisture reaching the ground in any area from a cloud or cloud system than would have occurred naturally;
4. "Hail suppression" refers to the activation of any process which will reduce, modify, suppress, eliminate or soften hail formed in clouds or storms;
5. "Person" means any person, firm, association, organization, partnership, company, corporation, private or public, county, city, trust or other public agencies;
6. "Controller" refers to any licensee duly authorized in this state to engage in weather modification activities; and
7. "Issuing authority" means the North Dakota aeronautics commission which in the exercise of the powers granted herein, shall have all of the powers of an administrative agency as defined in chapter 28-32.

§ 3. License Required.) It shall be unlawful for any person to engage in activities for weather modification except under and in accordance with a license granted by the issuing authority who shall prescribe, promulgate and enforce such rules and regulations and require such reports by any licensee and anyone contracting with any licensee as may be deemed proper and necessary to govern the same. Such license shall expire on December 31 of each year and shall be revocable at any time prior to such date, for cause if, after holding a hearing pursuant to due notice thereon, the issuing authority shall so determine.

§ 4. Registration and License Fee.) Any person desiring to cause or attempt weather modification shall make application to the issuing authority in writing, on forms supplied for this purpose by the issuing authority. Any person issued a license shall comply with rules, regulations and standards that may be promulgated by the issuing authority and pay a fee of ten dollars and he shall then become a registered licensed controller. All license fees received under this Act shall be paid into the general fund of the state treasury. Before issuing a license to any person for the purpose of weather modification, the issuing authority shall determine that the applicant has in force North Dakota workmen's compensation insurance coverage for any employees as required by law, and if the applicant purposes to utilize aircraft and employ pilots, that the aircraft and pilots are registered with the North Dakota aeronautics commission, as required by law.

§ 5. Duties of Issuing Authority.) The issuing authority shall determine the procedures, requirements, conditions, qualifications and professional standards under which licenses to conduct weather modification operations may be issued and shall cooperate with the federal government, its agents and contractors, and with other states and North Dakota state agencies, and with counties, in the conduct of weather modification research, experiments, studies and operations, and the issuing authority shall have the power to hold hearings, administer oaths, take and record testimony, subpoena witnesses, and make findings, orders, and determinations which shall have the force and effect of law and which shall be subject to review by courts of this state in the manner provided by chapter 28-32 of the North Dakota Century Code.

§ 6. County Levy for Weather Modification — Hearing.) The board of county commissioners of any county, after a public hearing upon the subject has been held pursuant to notice published twice in the official newspaper of the county, the last publication of which is at least ten days prior to the hearing date, and after approval by the electorate of the county voting upon the question of the authorization of such levy at any special, primary or general countywide election, may levy and collect annually a tax of not to exceed two mills upon the net taxable valuation of the property in the county for a "weather modification" fund which tax may be levied in excess of the mill limit fixed by law for taxes for general county purposes. Such fund shall be used only for weather modification activities within the county including research and investigation or in conjunction with any other county or counties, and with federal, state, or other public agencies, or any private person or organization. The tax levy approved at any election shall authorize such levy for a period of five years after the date of the election, but such tax levy authority may be extended for similar five-year periods upon approval of the electorate in the same manner as the original levy was approved.

§ 7. County Budget May Be Waived for First Appropriation—Conditions.) The provisions of chapter 11-23 of the North Dakota Century Code shall not apply to appropriations made under the provisions of this chapter, provided, however, that only after the approval by the electorate of the mill levy provided in section 6 and only for the initial or first appropriation of said "weather modification" activities, such county commissioners may, at their discretion, appropriate from moneys not otherwise appropriated in the general fund, such moneys as are necessary for carrying out the provisions of this Act, provided that said appropriation shall not exceed an amount equal

to two mill levy upon the net taxable valuation of the property in said county.

§ 8. Bids Required—When.) Whenever any county shall undertake to contract with any licensed controller in an amount in excess of ten thousand dollars in any one year, the board of county commissioners 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 such counties. The board of county commissioners shall enter into no contract or agreement for weather modification services except with a licensed controller as required in this Act, except for the purpose of gathering technical information, making studies or surveys, the county may enter into a contract or agreement with any state agency or with any state chartered university, college or institution of higher learning, or with federal agencies not so licensed.

§ 9. Performance Bond Required.) Before any county shall contract with any licensed controller, it shall require the controller to furnish a surety bond for the faithful performance of the contract in such amount as determined by the board of county commissioners, conditioned that the licensee and his agents will in all respects faithfully perform all weather modification contracts undertaken in such county and will comply with all provisions of this Act and the contract entered into by such county and the licensee.

§ 10. Liability.) Nothing in this Act shall be construed to impose or accept any liability or responsibility on the part of the state of North Dakota or any of its agencies, or any state officials or state employees or county commissioners or county employees, for any weather modification activities of any person or licensed controller as defined in this Act.

§ 11. Issuing Authority May Receive and Expend Funds.) The issuing authority is hereby authorized to receive and accept for in the name of the state any and all funds which may be offered or become available from federal grants or appropriations, private gifts, donations or bequests, or funds from any other source, except license fees, and to expend said funds for the expense of administering this Act, and for the encouragement of experimentation in weather modification by the North Dakota state university or any other appropriate state, county, or public agency in this state either by direct grant, by contract, or by other means.

All federal grants, federal appropriations, private gifts, donations or bequests, or funds from any other source, except license fees, received by the issuing authority shall be paid

over to the state treasurer, who shall credit same to a special fund in the state treasury known as the "State Weather Modification Fund". All proceeds deposited by the state treasurer in the state weather modification fund are hereby appropriated to the North Dakota aeronautics commission and shall be disbursed by warrant-check prepared by the department of accounts and purchases upon vouchers submitted by the North Dakota aeronautics commission and approved by the state auditing board for the purpose of paying for the expense of administration of this Act and for the encouragement of experimentation in weather modification by the North Dakota state university or any other appropriate state, county, or public agency in this state by direct grant, by contract, or by other means.

§ 12. Aeronautics Commission—Compensation—Expenses.)

Each member of the North Dakota aeronautics commission shall receive the same compensation that is paid for other aeronautics commission duties for each day actually and necessarily engaged in performance of official duties in connection with the administration of this Act, and commission members and employees shall be reimbursed for actual and necessary expenses incurred in carrying out their official duties in the same manner and at the same rates as provided by law for state employees.

§ 13. Penalty.) Any person contracting for or conducting any weather modification activity without being licensed in accordance with the provisions of this Act or otherwise violating the provisions thereof shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment.

§ 14. Amendment.) Section 58-03-07 is hereby amended by creating subsection 19 thereto to read as follows:

19. To authorize the expenditure of township funds for weather modification activities.

Approved March 19, 1965.