

AERONAUTICS

CHAPTER 81

H. B. No. 333
(Backes, Wells, Haugland)

AERONAUTICS COMMISSION MAY ACT AS AIRPORT AUTHORITY

AN ACT

To amend and reenact section 2-06-01.1 of the North Dakota Century Code, relating to the aeronautics commission exercise of the powers of an airport authority with exceptions.

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

Section 1. Amendment.) Section 2-06-01.1 of the 1967 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, and near state or national parks or near recreational areas as the aeronautics commission may determine to be in the public interest.

Approved March 25, 1969.

CHAPTER 82

S. B. No. 300
(Jacobson, Roen, Robinson)

WEATHER MODIFICATION AUTHORITY

AN ACT

To create and enact sections 2-07-06.1, 2-07-06.2, 2-07-06.3, and to amend and reenact sections 2-07-06 and 2-07-07 of the North Dakota Century Code, relating to the creation of a weather modification authority, and authorizing the counties to levy a tax for weather modification activities, and declaring an emergency.

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

Section 1. Amendment.) Section 2-07-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-06. Weather Modification Authority Created By Petition.) A weather modification authority shall be created by resolution and five commissioners appointed thereto for five-year terms of office, by the board of county commissioners after fifty-one percent of the qualified electors of a county, as determined by the vote cast for the office of governor at the last preceding general election, shall petition the board of county commissioners of their county to create a countywide weather modification authority. The board of county commissioners shall appoint the five commissioners to the weather modification authority, who are residents of their county and whose names are set forth in the petition and designated by the petitioners to be appointed weather modification authority commissioners, provided that said petition has been found by the county commissioners to have met the requirements as to number of qualified electors attached to the petition as required in this Act. In the event any one of the five candidates named in the petition to be appointed weather modification authority commissioner is unable or refuses for any reason to accept appointment as commissioner, or is disqualified by not meeting residence requirements, as an elector in the county, the board of county commissioners shall name its own appointee for a five-year term of office in place of any disqualified candidate selected by the petitioners. If any weather modi-

modification authority commissioner submits his resignation in writing to the board of county commissioners or becomes unable or disqualified for any reason, after accepting office, the board of county commissioners shall name its appointee as a commissioner to the weather modification authority. All vacancies occurring otherwise than by expiration of term of office shall be filled for the unexpired term.

Any weather modification authority created pursuant to this section shall expire five years after the date of the initial appointment of the commissioners thereto. Any unexpended funds remaining in the name of the weather modification authority, after all proper bills and expenses have been paid, shall be transferred into the county general fund by the officers of the weather modification authority on or before the five-year termination date provided by this Act.

Nothing in this Act shall prevent continuation or reinstatement of a weather modification authority provided the authority is renewed for another five years by petition of the qualified electors in the same manner as the initial weather modification authority was created by petition of qualified electors as provided for in this Act.

In the event more than one petition is filed with the board of county commissioners on or about the same time, the petition with the highest percentage of the qualified electors of a county, contained in such petition, of the vote cast for the office of governor at the last preceding general election shall be selected by the board of county commissioners, provided the petition with the highest percentage has at least forty percent of the qualified electors in the county and the sum total of all qualified electors on all petitions filed equals at least sixty percent of the qualified electors in said county. In no case shall the name of the same elector appear on two or more petitions.

Section 2.) Section 2-07-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-06.1. Petition Contents.) The petition for petitioning the board of county commissioners in any county of this state for the creation and appointment of commissioners to a weather modification authority shall under this Act contain:

1. A title with the heading: "Petition for Creation of (insert name of county) Weather Modification Authority";
2. The following paragraph: We, the undersigned qualified electors of (name of county), state of North Dakota, by this initiated petition request that the (name of county) board of county commissioners of said county create by resolution a (name of county) weather modification authority and to appoint for a term of office of five years the following five qualified electors of said county as the commissioners for the (name of county) weather modification authority:
 - a. The name and address of each proposed commissioner for the (name of county) weather modification authority;
3. The following paragraph: We, the undersigned qualified electors of the (name of county), state of North Dakota, are noticed herewith that the creation of (name of county) weather modification authority and the appointment of its commissioners by the (name of county) board of county commissioners will grant unto the authority by law the power to certify to the board of county commissioners a mill levy tax not to exceed two mills upon the net taxable valuation of property in said county for a weather modification fund which tax may be levied in excess of the mill levy limit fixed by law for taxes for general county purposes and that such fund shall be used 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, organization or corporation. We, the undersigned understand that the authority requested in this petition expires five years after the creation of the weather modification authority;
4. A heading: "Committee for Petitioners", followed by this statement: The following electors of (name of county), state of North Dakota, are authorized to represent and act for us, and shall constitute the "Committee for the Petitioners" in the matter of this petition and all

Acts subsequent thereto:

5. Petition details: All petitions' signatures shall be numbered, and dated by month, day and year. The name shall be written with residence address and post-office address including the county of residence followed by state of North Dakota;
6. An affidavit to be attached to each petition and sworn to under oath before a notary public by the person circulating each petition attesting to the fact that he circulated the petition and that each of the signatures to said petition is the genuine signature of the person whose name it purports to be, and that each such person is a qualified elector in the county in which the petition was circulated;
7. The petition must state the mills to be levied by the county for the purposes of this Act.

Section 3.) Section 2-07-06.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-06.2. Commissioners—Compensation—Meetings—Officers.) A commissioner of a weather modification authority shall receive no compensation for his services, but shall be entitled to the necessary expense, as defined in chapter 44-08-04, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. The certificates of the appointment shall be filed with the weather modification authority.

The powers of each weather modification authority shall be vested in the commissioners thereof. A majority of the commissioners of an authority shall constitute a quorum for the purpose of conducting business of the authority and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of not less than a majority of all the commissioners.

There shall be elected a chairman and vice chairman from among the commissioners. A weather modification authority may employ an executive director, secretary, technical experts,

and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the county which created the authority. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Minutes shall be kept by the secretary of official meetings and shall include all official business such as contracts authorized and all authorizations for payment of weather modification authority funds to persons, organizations, companies and corporations. Official policies shall also be entered into the minutes. An annual report shall be compiled with complete disclosure of funds expended for contracts, services, fees, salaries and all other reimbursements, a copy of which shall be filed with the county auditor. Such report shall be given at a public meeting called for such purpose.

Section 4.) Section 2-07-06.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

2-07-06.3. Tax Levy May Be Certified By Weather Modification Authority.) The weather modification authority may certify annually to the board of county commissioners 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 shall be levied by the board of county commissioners and 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, organization or corporation. The tax certified by the weather modification authority is limited to five years after the date of the resolution creating the authority, but such tax certification authority may be extended for similar five-year periods by petition of the qualified electors in the county in the same manner as the initial weather modification authority was created by petition of qualified electors provided for in this Act.

Section 5. Amendment.) Section 2-07-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-07-07. 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 filing and approval of the “petitions” to create a weather modification authority by the board of county commissioners and certification of a mill levy by the weather modification authority 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 chapter, 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.

Section 6. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1969.