

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1131

Introduced by

Natural Resources Committee

(At the request of the State Department of Health)

1 A BILL for an Act to create and enact sections 43-35-15.3, 43-35-18.3, and 43-35-19.3 of the
2 North Dakota Century Code, relating to the state board of water well contractors and
3 geothermal driller certification and standards; and to amend and reenact sections 43-35-03,
4 43-35-06, 43-35-11, 43-35-12, 43-35-13, 43-35-14, 43-35-21, and 43-35-22 of the North Dakota
5 Century Code, relating to the state board of water well contractors and geothermal system
6 drillers and drilling.

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

8 **SECTION 1. AMENDMENT.** Section 43-35-03 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-35-03. State board of water well contractors - Members' appointment -**

11 **Qualification.** The state board of water well contractors consists of the state engineer and the
12 state health officer, or their duly authorized designees, ~~and~~ two water well contractors
13 appointed by the governor, ~~and one geothermal system driller appointed by the governor,~~ one
14 water well pump and pitless unit installer appointed by the governor, and one member
15 appointed at large by the governor.

16 **SECTION 2. AMENDMENT.** Section 43-35-06 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **43-35-06. Secretary-treasurer bond.** Promptly upon assuming the office, the
19 secretary-treasurer shall furnish a bond satisfactory to the board for the faithful performance
20 and discharge of the secretary-treasurer's duties in ~~such an~~ amount ~~as may be prescribed~~
21 determined by the board, the premium ~~therefor~~ for which is to be paid from board funds.

22 **SECTION 3. AMENDMENT.** Section 43-35-11 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 one-year apprenticeship or experience in monitoring well construction under the
2 direct supervision of a certified water well contractor or a certified monitoring well
3 contractor or have completed a career and technical education program of at least
4 one year in water well construction or hold a bachelor's degree in engineering or
5 geology from an approved school and shall make application to the board.

6 4. Any person who takes the examination to become a certified geothermal system
7 driller must first complete either a minimum of one year of apprenticeship under
8 the direct supervision of a certified geothermal system driller or have a minimum of
9 two thousand forty installation hours of experience in geothermal system drilling
10 working under the direct supervision of a certified geothermal system driller, or, in
11 the alternative, must first complete career and technical education relating to
12 geothermal system drilling lasting at least one school year.

13 5. A person applying to take a certification examination shall pay to the board
14 treasurer a nonrefundable examination fee in the amount of ten dollars. If upon
15 examination the applicant is found to be qualified as a water well contractor ~~or~~ a
16 water well pump and pitless unit installer, a monitoring well contractor, or a
17 geothermal system driller, the board shall issue to that person an appropriate
18 certificate upon the applicant's executing and filing with the board a bond as
19 required in this chapter. The board may offer a combined examination for
20 certification of a person as a water well contractor and a water well pump and
21 pitless unit installer and may issue a single certificate for successful completion of
22 the combined examination. Certificates issued under this chapter are not
23 transferable.

24 **SECTION 6. AMENDMENT.** Section 43-35-14 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **43-35-14. Bond required.** Before receiving a certificate under this chapter, a qualified
27 applicant shall execute and deposit with the board a surety bond in the amount of two thousand
28 dollars conditioned for the faithful performance of all water well, monitoring well, ~~or~~ pump and
29 pitless unit, or geothermal system installation contracts undertaken by the applicant and the
30 strict compliance with this chapter.

1 **SECTION 7.** Section 43-35-15.3 of the North Dakota Century Code is created and
2 enacted as follows:

3 **43-35-15.3. Certification of persons engaged in drilling of geothermal systems**
4 **before certification requirement.** Upon application and sworn affidavit and the payment of a
5 registration fee of not more than fifty dollars, as set by the board, the board shall issue an
6 appropriate certificate, without examination, to any person who has been engaged in the
7 business of geothermal system drilling as an occupation for at least one year before July 1,
8 2007, if the application is made before July 1, 2008.

9 **SECTION 8.** Section 43-35-18.3 of the North Dakota Century Code is created and
10 enacted as follows:

11 **43-35-18.3. Firm engaged in drilling of geothermal systems to employ certified**
12 **driller - Exception.** A person may not engage in the business of drilling geothermal systems in
13 the state after July 1, 2008, unless a certified driller, who is responsible for the proper drilling of
14 the geothermal system, is in charge of the drilling. This chapter does not prohibit a person from
15 drilling geothermal systems on that person's own premises for that person's own use.

16 **SECTION 9.** Section 43-35-19.3 of the North Dakota Century Code is created and
17 enacted as follows:

18 **43-35-19.3. Standards for drilling of geothermal systems.** All drilling of geothermal
19 systems must comply with the rules adopted by the state geologist and the board.

20 **SECTION 10. AMENDMENT.** Section 43-35-21 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **43-35-21. Certification to nonresidents - Reciprocity.** To the extent other states
23 providing for the certification of water well contractors, monitoring well contractors, ~~or~~ water well
24 pump and pitless unit installers, ~~or geothermal system drillers~~ provide for similar action, the
25 board may grant certification to water well contractors, monitoring well contractors, ~~and~~ water
26 well pump and pitless unit installers, ~~and geothermal system drillers~~ certified by other states,
27 upon payment by the applicant of the required fee and the furnishing of a bond as provided by
28 section 43-35-14, after being furnished with proof that the qualifications of the applicant are
29 equal to the qualifications of holders of such certificates in this state.

30 **SECTION 11. AMENDMENT.** Section 43-35-22 of the North Dakota Century Code is
31 amended and reenacted as follows:

- 1 **43-35-22. Contracting without certification - Penalty.** Any person contracting to drill
- 2 a water well or monitoring well ~~or~~, drill a pump or pitless unit, or drill a geothermal system for
- 3 another without being certified in accordance with this chapter, or otherwise violating this
- 4 chapter, is guilty of an infraction.