

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2058
(Workforce Development Committee)
(At the request of the Department of Water Resources)

AN ACT to amend and reenact subsection 5 of section 43-35-13, section 43-35-14, subsection 1 of section 43-35-17, and sections 43-35-21 and 43-35-23 of the North Dakota Century Code, relating to the operations of the board of water well contractors; and to repeal section 43-35-16 of the North Dakota Century Code, relating to the operations of the board of water well contractors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 43-35-13 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 2. AMENDMENT. Section 43-35-14 of the North Dakota Century Code is amended and reenacted as follows:

43-35-14. Bond required.

Before receiving a certificate under this chapter, a qualified applicant shall execute and deposit with the board a surety bond conditioned for the faithful performance of all water well, monitoring well, pump and pitless unit, or geothermal system installation contracts undertaken by the applicant and the strict compliance with this chapter. The required amount of a surety bond ~~is fifteen thousand dollars for a water well contractor and is two thousand dollars for a monitoring well, pump and pitless unit, or geothermal system installation contractor~~ must be set by the board by rule.

SECTION 3. AMENDMENT. Subsection 1 of section 43-35-17 of the North Dakota Century Code is amended and reenacted as follows:

1. A certificate issued under this chapter is valid for up to one year and expires on the thirty-first day of December in the year of issuance. To renew a certificate, a certificate holder shall submit to the board a completed renewal application. The completed renewal application must be:
 - a. Submitted to the board before April first in the year following the certificate's expiration;
 - b. Accompanied by a fee in an amount set by the board ~~not to exceed two hundred dollars~~ by rule;
 - c. Accompanied by any continuing education reporting information as required ~~under this section~~ by the board by rule; and
 - d. Accompanied by a bond as provided ~~in section 43-35-14~~ by the board by rule.

SECTION 4. AMENDMENT. Section 43-35-21 of the North Dakota Century Code is amended and reenacted as follows:

43-35-21. Certification to nonresidents - Reciprocity.

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

SECTION 5. AMENDMENT. Section 43-35-23 of the North Dakota Century Code is amended and reenacted as follows:

43-35-23. Continuing education - Preapproval requirements.

1. ~~As provided under section 43-35-17, each~~ Each certificate holder shall earn board-approved continuing education during every two-year reporting cycle to qualify for certificate renewal, except a new certificate holder is not required to earn continuing education until the second renewal year following initial certification. The board shall establish by rule an approval process for continuing education courses.

2. ~~Continuing education coursework may be provided by the national ground water association, the North Dakota well drillers association, incorporated, a board-sponsored workshop, the department of environmental quality, the state water commission, or by any board-approved course provider.~~
3. ~~A continuing education course must be preapproved by the board unless otherwise provided under this section. A continuing education course provider or a certificate holder shall request preapproval of continuing education coursework by submitting to the board a course outline, the instructor's name, the length of the training, and an explanation of how the training relates to the construction and service of water wells.~~
4. ~~A certificate holder may request approval of education that was not preapproved by submitting to the board verification of attendance, a course outline, and an explanation of why preapproval was not obtained. The board shall determine on a case-by-case basis whether to approve education that was not preapproved.~~

SECTION 6. REPEAL. Section 43-35-16 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-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2058.

Senate Vote: Yeas 42 Nays 4 Absent 1

House Vote: Yeas 77 Nays 15 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State