

**1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1227**

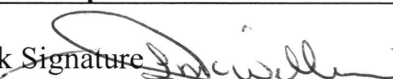
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1227

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-21-1999

| Tape Number   | Side A | Side B | Meter #     |
|---|--------|--------|-------------|
| 1   | X      |        | 1 - 16.2    |
| 3   | X      |        | 18.1 - 21.6 |
|   |        |        |             |
| Committee Clerk Signature  |        |        |             |

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more detailed information.

Representative Klein, Chairman of the GVA Committee opened the hearing on January 21, 1999.

Summary of the Bill: Relating to water well contractor continuing education requirements.

Testimony in Favor:

Representative Wald, Appeared before the committee to introduce the bill that he sponsored and to submit amendments (**please refer to amendments**). I was asked to introduce this bill by the people in the water well contracting association that would require continuing education. They are asking for six hours of continuing education. It is my understanding that there is not continuing education requirements at this time. The bill and the amendments are out of the Montana code.

Roger Schmid, Submitted a written testimony which he read in it's entirety (**please refer to his testimony**).

Representative Klein, How many people do we have doing this in ND? What is the bond size?

Do any of the states around us have this? Does your board approve of this continuing education?

Schmid, 140. \$5000. Montana and Minnesota do require continuing education, South Dakota doesn't. Our board does approve of this.

Representative Thoreson, What kind of training do these people have in the first place? Are the courses structured--structured courses?

Schmid, Their required to write and pass a test. Some of the older ones are grandfathered in. No there hasn't or isn't any structured courses, it's an apprenticeship.

Representative Devlin, Cant you just encourage them to take some courses?

Schmid, Yes you could, but it would be kind of tough. The only thing we have now is the occasional inspection of the water well association.

Representative Kroeber, How often does your board meet and are they ready to take on this responsibility?

Schmid, Yes as I understand it. They meet twice a year.

Representative Klein, Is there an overall agreement on this? Among all your members.

Schmid, Yes.

Representative Wald, These people have oversight by the state health and water dept. so they are watching this to make sure the people in this business are following the proper procedures.

Representative Haas, Testified before the committee and stated that the industry wants to police itself and improve the standards.

Page 3

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1227

Hearing Date 1-21-1999

Representative Klein, Cant this be done by rules rather than code?

Haas, It's tied to the state licensing process, so that's why it needs to be in code.

Representative Metcalf, Couldn't you put the requirements on the amendments into rules rather than code?

Haas, If it was just the six hours of continuing education required. It spells it out better.

Fritz Schwindt, Department of Health stated that they are members of water well association.

The members are willing to support this and so is the Dept. of Health.

Testimony in Opposition: None.

Representative Klein, Closed the hearing on HB 1227.

Committee Action:

Representative Haas, Made a motion for a Do Pass on the amendments.

Representative Kroeber, Seconded the motion.

Motion Passes: Do Pass (vocal).

Representative Grande, Made a motion for a Do Pass on the amended bill.

Representative Thoreson, Seconded the motion.

Motion Passes: Do Pass **14-1-0**.

Representative Thoreson, Is the carrier for the bill.

FISCAL NOTE

JAN 19 1999

(Return original and 10 copies)

Bill/Resolution No.: HB 1227 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 1-11-99

- 1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

**Narrative:**

N.D.C.C. section 43-35-09 states that all fees received by the Board of Water Well Contractors are permanently appropriated to the Board for the purpose of this chapter. Therefore, no fiscal impact will occur to the state general or special funds, counties, cities, and school districts.

- 2. **State** fiscal effect in dollar amounts:

| 1997-99 Biennium |               | 1999-2001 Biennium |               | 2001-03 Biennium |               |
|------------------|---------------|--------------------|---------------|------------------|---------------|
| General Fund     | Special Funds | General Fund       | Special Funds | General Fund     | Special Funds |

Revenues:

|               |       |         |         |
|---------------|-------|---------|---------|
| Expenditures: | \$200 | \$1,500 | \$1,000 |
|---------------|-------|---------|---------|

- 3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium:                     none
- b. For the 1999-2001 biennium:                     none
- c. For the 2001-03 biennium:                     none

- 4. **County, City, and School District** fiscal effect in dollar amounts:

| 1997-99 Biennium |        |                  | 1999-2001 Biennium |        |                  | 2001-03 Biennium |        |                  |
|------------------|--------|------------------|--------------------|--------|------------------|------------------|--------|------------------|
| Counties         | Cities | School Districts | Counties           | Cities | School Districts | Counties         | Cities | School Districts |

If additional space is needed, attach a supplemental sheet.

Signed Milton O. Lindvig

Typed Name Milton O. Lindvig

Department ND Board of Water Well Contractors

Phone Number 328-2754

Date Prepared: 1-19-99

VK  
1/22/99

**HOUSE** AMENDMENTS TO HOUSE BILL NO. 1227 **GVA 1-22-99**

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 43-35 of the North Dakota Century Code, relating to water well contractor continuing education requirements;"

Page 1, line 2, after "requirements" insert "; and to provide an effective date"

Page 1, after line 14, insert:

**"SECTION 2.** A new section to chapter 43-35 of the North Dakota Century Code is created and enacted as follows:

**Continuing education - Preapproval requirements.** Each certificate holder shall earn at least six hours of board-approved continuing education annually 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. Continuing education coursework may be provided by the national water well association, the North Dakota well drillers association, incorporated, a board-sponsored workshop, or by any board-approved course provider. 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. 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 3. EFFECTIVE DATE.** This Act becomes effective January 1, 2000, and applies to all applications for certificate renewal beginning with the 2001 certificate year."

Renumber accordingly

HR 141050

Date: 1-21-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1227

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 90427.0102 .0200

Action Taken DU PASS AMENDED

Motion Made By GRANDE Seconded By THORESON  
THORESON

| Representatives     | Yes | No | Representatives | Yes | No |
|---------------------|-----|----|-----------------|-----|----|
| CHAIRMAN KLEIN      | ✓   |    | REP. WINRICH    | ✓   |    |
| VICE-CHAIR KLINISKE | ✓   |    |                 |     |    |
| REP. BREKKE         | ✓   |    |                 |     |    |
| REP. CLEARY         | ✓   |    |                 |     |    |
| REP. DEVLIN         |     | ✓  |                 |     |    |
| REP. FAIRFIELD      | ✓   |    |                 |     |    |
| REP. GORDER         | ✓   |    |                 |     |    |
| REP. GRANDE         | ✓   |    |                 |     |    |
| REP. HAAS           | ✓   |    |                 |     |    |
| REP. HAWKEN         | ✓   |    |                 |     |    |
| REP. KLEMIN         | ✓   |    |                 |     |    |
| REP. KROEBER        | ✓   |    |                 |     |    |
| REP. METCALF        | ✓   |    |                 |     |    |
| REP. THORESON       | ✓   |    |                 |     |    |

Total (Yes) 14 No 1

Absent 0

Floor Assignment THORESON

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1227: Government and Veterans Affairs Committee (Rep. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1227 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 43-35 of the North Dakota Century Code, relating to water well contractor continuing education requirements;"

Page 1, line 2, after "requirements" insert "; and to provide an effective date"

Page 1, after line 14, insert:

**"SECTION 2.** A new section to chapter 43-35 of the North Dakota Century Code is created and enacted as follows:

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**SECTION 3. EFFECTIVE DATE.** This Act becomes effective January 1, 2000, and applies to all applications for certificate renewal beginning with the 2001 certificate year."

Renumber accordingly



**1999 SENATE GOVERNMENT AND VETERANS AFFAIRS**  
**HB 1227**

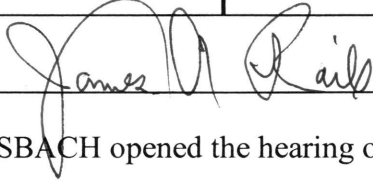
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1227

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date March 12, 1999

| Tape Number  | Side A | Side B | Meter #   |
|--|--------|--------|-----------|
| 1  | X      |        | 1686-4601 |
|  |        |        |           |
|  |        |        |           |
| Committee Clerk Signature  |        |        |           |

Minutes: CHAIRMAN KREBSBACH opened the hearing on HB 1227 which relates to water well contractor continuing education requirements; and to provide an effective date. Appearing before the committee to introduce the legislation was prime sponsor of the bill REPRESENTATIVE FRANK WALD, District 37, Dickinson. He indicated to the committee that this organization came to him indicating that they believed that they needed to impose continuing education requirements on themselves. HE indicated this was not being forced upon them, rather it was something that they wanted to do to make themselves more professional, educated, etc. The bill before you is here because of health concerns, you deal with underground water resources, you're concerned about contamination, health standards and that sort of thing. They want to impose higher standards upon themselves for which I think we ought to commend them. He briefly reviewed the bill and changes it would make with the committee. CHAIRMAN KREBSBACH asked a question about the make up of the board.

REPRESENTATIVE WALD indicated board membership includes the a person from the water commission, a person from the health department, 2 people from the well drillers organization, 1 pump installer, and 1 lay person. The two well drillers, pump installer, and lay person are appointed by the governor. The other two people are personnel from the water commission and the health department. SENATOR KREBSBACH, How many associations are there for well drillers? Representative Wald indicated just one. CHAIRMAN KREBSBACH, How many members in the association? MR. SCHMID, Around 50 members in the state association and probably an equal number, not the same people, that are members of the national ground water association. ROGER SCHMID, a certified water well contractor for 23 years from Bismarck appeared before the committee. There are a number of these people who are licensed drillers from other states and they have their associations, Minnesota, Montana, North and South Dakota. North and South Dakota have their meetings together for the association. A copy of his written testimony is attached. A question was offered by SENATOR STENEHJEM concerning the board and licensure. How many certified water well contractors are there in the state? MR. SCHMID indicated that the list is around 140. 50 of those are from out of state. SENATOR STENEHJEM, do the other members who are not members of your association know about this bill? I assume you have a newsletter and you've notified all of them. MR. SCHMID, They are all aware whether they belong to the association or not. They all get the newsletter. MILTON LINDVIG appeared before the committee. He is director of the water appropriations division for the state water commission. He also represents the state engineer on the board of water well contractors. At its annual meeting in July of 1998 the board discussed the issue of continuing education and the board went on record as supporting the development of such a program and

would administer and develop the criteria and the approval of the courses that could be taken and so on to comply with the 6 hours of continuing education that is called for in this bill. Questions were offered by SENATORS KREBSBACH, STENEHJEM, and KILZER. There was no further testimony in support of, or in neutral position on this bill at this time. Appearing in opposition to the bill was MARVY MARINER, a well driller from Minot. He indicated that he has been in this business quite a long time. The continuing education aspect of this bill is not what bothers him. What bothers him is that he heard others testify that you can get these points several different places. But they don't have it in the bill, I wonder why? All it says in the bill is it's up to the discretion of the board. The ones they like can pass this pretty handy and the ones they don't like come back again and again and again. This is not fair. You need to have somewhere if you don't make it to the association, to the conventions, or for whatever reason, they've got to have an alternative on this, that says you can get these points by going to pump schools, by going to the health department, whatever. And they are saying that but they didn't put it in writing. Why? That's not good legislation. So, I'm opposing to it. Not because of the education, I'm opposing it because of the way they are handling it. Forced membership. Suppose somebody was sick at the time they have their thing put together and they can't make it there. Do you just quit, I mean what do you do? How do you get your points? It's up to the discretion of the board on a one to one basis it says in the bill. Well this is not the way I feel is right. They should have come and said here's what we've got, let's work it out together before we come to this committee with it. So this is where it's at. He then offered to answer questions from the committee. SENATOR STENEHJEM indicated he wished to make a comment. I am an attorney, Senator DeMers is a nurse, Senator Kilzer is a doctor. I think we all have continuing

education requirements. 15 hours per year for lawyers that we have to go through. Our inaction legislation doesn't list all of the types of places that you can go, because it's impossible to create that kind of a list. The one thing that I was going to ask the board members though, because you made a point that I agree with, the reporting that I do is done every three years. I do 15 hours per year, but if something comes up in one year that I'm not able to do it, I report it every three years. Maybe I should have asked the proponents if they had considered going with a 2 year reporting so that you could do 12 hours in 2 years rather than 6 in one. MR. MARINER

indicated to the committee he would like to see this have a Do Not Pass at this time because he doesn't believe that this bill is ready to be passed the way it is written. SENATOR DEMERS, are their alternatives available in the state or in the region? Are their other kinds of activities?

Mr. Mariner indicated that there are all types of things here, but they don't say that. They not saying them in the bill. They are only saying they will do it on a one to one basis at their discretion. SENATOR WARDNER, If we amended it into the bill to make the reporting every two years, would that be acceptable to you? Along that line, do you have some other activities that you feel that would qualify as education that we can consider? I mean we can amend this bill and we can take a look at that. So if you would have some ideas, we would appreciate it.

MR. MARINER, the health department already gives us the option and those points should qualify. Western Steel puts on a pump show with lots of information on there which should qualify. So why don't we say it? FRANCIS SCHWINDT with the state health department appeared before the committee. He indicated that the health department has indicated that if the well drillers as a whole can come together and agree on the need for some continuing education that the board would certainly be willing to work with the group, the organizations, the

associations and anybody else that may be interested in this to try to define some courses and some continuing education requirements and how to go about doing that and all those kinds of things. I guess we still support the bill in that regard. SENATOR DEMERS asked if he would have any difficulty if we were to add North Dakota Department of Health as one of the providers down in lines 22,23,24. MR. SCHWINDT, No, I don't think that would create any particular problem. I don't know whether it's necessary, certainly, the list could get fairly lengthy if you tried to identify all of the different providers, but certainly I wouldn't have any objection if you wanted to do that. Comments were offered by SENATORS WARDNER and KREBSBACH. There was nothing further at this time. CHAIRMAN KREBSBACH closed the hearing on HB 1227. The committee will study possible amendments to the bill. *Committee Action, March 19, 1999, Tape 1, Side A, Meter #'s 4235-4796. SENATOR WARDNER explained the amendments to the committee. A motion to adopt amendments version 90427.0202 was made by SENATOR WARDNER, seconded by SENATOR DEMERS. ROLL CALL VOTE indicated 7 Yeas, 0 Nays, 0 Absent or Not Voting. A motion for DO PASS AS AMENDED was made by SENATOR WARDNER, seconded by SENATOR THANE. ROLL CALL VOTE indicated 7 Yeas, 0 Nays, 0 Absent or Not Voting. SENATOR WARDNER will carry the bill.*

March 15, 1999

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1227

Page 1, line 23, after "national" insert "ground" and remove the first "well"

Page 1, line 24, after the second underscored comma insert "the state department of health,  
the state water commission,"

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1227

Page 1, line 11, replace "The" with "Every two years the"

Page 1, line 12, replace "six" with "twelve" and replace "most recent period of certification" with "two-year reporting cycle"

Page 1, line 20, replace "six" with "twelve" and replace "annually" with "during every two-year reporting cycle"

Page 1, line 23, after "national" insert "ground" and remove the first "well"

Page 1, line 24, after the second underscored comma insert "the state department of health, the state water commission,"

Renumber accordingly



Date: 3/19/99  
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1227

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Adopt Amendments . 0202

Motion Made By Sen. Wardner Seconded By Sen. DeMers

| Senators             | Yes | No | Senators | Yes | No |
|----------------------|-----|----|----------|-----|----|
| SENATOR KREBSBACH    | ✓   |    |          |     |    |
| SENATOR WARDNER      | ✓   |    |          |     |    |
| SENATOR KILZER       | ✓   |    |          |     |    |
| SENATOR STENEHJEM    | ✓   |    |          |     |    |
| SENATOR THANE        | ✓   |    |          |     |    |
| SENATOR DEMERS       | ✓   |    |          |     |    |
| SENATOR MUTZENBERGER | ✓   |    |          |     |    |
|                      |     |    |          |     |    |
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Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3/19/99  
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1227

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Sen. Wardner Seconded By Sen. Thane

| Senators             | Yes | No | Senators | Yes | No |
|----------------------|-----|----|----------|-----|----|
| SENATOR KREBSBACH    | ✓   |    |          |     |    |
| SENATOR WARDNER      | ✓   |    |          |     |    |
| SENATOR KILZER       | ✓   |    |          |     |    |
| SENATOR STENEHJEM    | ✓   |    |          |     |    |
| SENATOR THANE        | ✓   |    |          |     |    |
| SENATOR DEMERS       | ✓   |    |          |     |    |
| SENATOR MUTZENBERGER | ✓   |    |          |     |    |
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|                      |     |    |          |     |    |
|                      |     |    |          |     |    |

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Wardner

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1227, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1227 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "The" with "Every two years the"

Page 1, line 12, replace "six" with "twelve" and replace "most recent period of certification" with "two-year reporting cycle"

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Page 1, line 24, after the second underscored comma insert "the state department of health, the state water commission,"

Renumber accordingly

**1999 TESTIMONY**  
**HB 1227**

## Testimony in favor of House Bill No. 1227

by Roger Schmid, Water Supply, Inc.

21 February 1999

I am Roger Schmid, I live in Bismarck and have been a North Dakota Certified Water Well Contractor for 23 years. I don't do any drilling myself. Paul Reed, also a North Dakota Certified Water Well Contractor, has been with me for 18 years and he does the hard work. I am also a geologist and ground water consultant with nearly forty years of drilling and water well experience.

I am here to express my support of House Bill 1227. The passage of this bill will result in better informed water well drilling contractors providing North Dakota with clean, safe, ground water for domestic, municipal, irrigation, industrial, and recreational purposes.

The water well drilling business is an invisible, solitary business. Not that drillers are unrecognized and lonely, far from it, water well drillers are generally well known and many are second generation in their communities. No, by invisible and solitary I mean our work is out of sight, hidden underground, and we seldom see another driller working. We generally only see each other only at the various wholesaler's shows and at the state association conventions and picnics. This means that even if we are fairly active and attend these professional functions we still only talk shop with another driller a few times a year.

The required reporting of six hours of continuing education each year will not guarantee that drillers will be learn anything, but it will provide them the opportunity.

House Bill 1227 will cost the North Dakota Certified Water Well Contractor a day a year, or nothing additional if he normally attends the state association conventions or a couple of wholesaler shows a year. The gain will be a better informed drilling contractor who will therefore be able to construct a safer, longer lasting water well.

House Bill 1227 will require continuing education for people working with a resource that has long term impacts on the environment of our state. I ask that this bill be passed to provide better wells and safer water for the people of North Dakota.

## Testimony in favor of House Bill No. 1227

by Roger Schmid, Water Supply, Inc.

12 March 1999

I am Roger Schmid, I live in Bismarck and have been a North Dakota Certified Water Well Contractor for 23 years. I don't do any drilling myself. Paul Reed, who is also a North Dakota Certified Water Well Contractor, has been with me for 18 years and he does the hard work. I am geologist and ground water consultant with nearly forty years of drilling and water well experience.

I am here to express my support of House Bill 1227. The passage of this bill will result in better informed water well drilling contractors providing North Dakota with clean, safe, ground water for domestic, municipal, irrigation, industrial, and recreational purposes.

The water well drilling business is an invisible, solitary business. Not that drillers are unrecognized and lonely, far from it, water well drillers are generally well known and many are second generation in their communities. No, by invisible I mean our work is out of sight, hidden underground, and by solitary I mean we seldom see another driller working. Drillers generally only see each other at the various wholesaler's shows and at the state association functions. This means that even if we are fairly active and attend these professional functions we still only talk shop with another driller a few times a year.

The required reporting of six hours of continuing education each year will not guarantee that Water Well Contractors will be learn anything, but it will provide them the opportunity.

House Bill 1227 will cost the North Dakota Certified Water Well Contractor a day a year, or nothing additional if he normally attends a couple of wholesaler shows a year, a state, or national association convention. The gain will be a better informed Water Well Contractor who will therefore be able to construct a safer, longer lasting water well.

House Bill 1227 will require continuing education for people working with a resource that has long term impacts on the environment of our state. I ask that this bill be passed to provide better wells and safer water for the people of North Dakota.