

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

HOUSE BILL NO. 1131
(Natural Resources Committee)
(At the request of the State Department of Health)

AN ACT to create and enact sections 43-35-15.3, 43-35-18.3, and 43-35-19.3 of the North Dakota Century Code, relating to the state board of water well contractors and geothermal driller certification and standards; and to amend and reenact sections 43-35-03, 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 Century Code, relating to the state board of water well contractors and geothermal system drillers and drilling.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

43-35-03. State board of water well contractors - Members' appointment - Qualification. The state board of water well contractors consists of the state engineer and the state health officer, or their duly authorized designees, ~~and~~ two water well contractors appointed by the governor, ~~and one geothermal system driller appointed by the governor,~~ one water well pump and pitless unit installer appointed by the governor, and one member appointed at large by the governor.

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

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

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

43-35-11. Certificate required. ~~No~~ A person, partnership, firm, corporation, or limited liability company ~~shall~~ may not engage in the business of water well contracting or water well pump and pitless unit installation, monitoring well contracting, or geothermal system drilling unless certified to do so by the board of water well contractors.

SECTION 4. AMENDMENT. Section 43-35-12 of the North Dakota Century Code is amended and reenacted as follows:

43-35-12. Examination - When held - Notice. The board shall hold meetings at such times and such places as it shall designate for the purpose of administering an examination to those persons desiring to become certified as water well contractors, water well pump and pitless unit installers, ~~or monitoring well contractors, or geothermal system drillers.~~ The board shall give no less than ten days' written notice to each applicant of the time and place of such examination. The board shall develop separate examinations for the certification of water well contractors, water well pump and pitless unit installers, ~~and monitoring well contractors, and geothermal system drillers.~~

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

43-35-13. Certificate - How obtained - Fee - Bond.

1. Any person ~~desiring to take~~ who takes the examination to become a certified water well contractor ~~shall must first have completed~~ complete a minimum of one-year apprenticeship or experience in water well drilling and construction under the direct supervision of a certified water well contractor or have completed a career and technical education program of at least one year in water well construction and shall make application to the board.
2. Any person ~~desiring to take~~ who takes the examination to become a certified water well pump and pitless unit installer ~~shall must first have completed~~ complete a minimum of one-year apprenticeship or experience in water well pump and pitless unit installation under the direct supervision of a certified water well pump and pitless unit installer or have completed a career and technical education program of at least one year in water well pump and pitless unit installation.
3. Any person ~~desiring to take~~ who takes the examination to become a certified monitoring well contractor ~~shall must first have completed~~ complete a minimum of one-year apprenticeship or experience in monitoring well construction under the direct supervision of a certified water well contractor or a certified monitoring well contractor or have completed a career and technical education program of at least one year in water well construction or hold a bachelor's degree in engineering or geology from an approved school and shall make application to the board.
4. Any person who takes the examination to become a certified geothermal system driller must first complete either a minimum of one year of apprenticeship under the direct supervision of a certified geothermal system driller or have a minimum of two thousand forty installation hours of experience in geothermal system drilling working under the direct supervision of a certified geothermal system driller, or, in the alternative, must first complete career and technical education relating to geothermal system drilling lasting at least one school year.
5. A person applying to take a certification examination shall pay to the board treasurer a nonrefundable examination fee in the amount of ten dollars. If upon examination the applicant is found to be qualified as a water well contractor ~~or~~, 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 6. 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 in the amount of two thousand dollars conditioned for the faithful performance of all water well, monitoring well, ~~or~~ pump and pitless unit, or geothermal system installation contracts undertaken by the applicant and the strict compliance with this chapter.

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

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

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

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

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

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

SECTION 10. 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, ~~or~~ 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, ~~and~~ 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, 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 11. AMENDMENT. Section 43-35-22 of the North Dakota Century Code is amended and reenacted as follows:

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1131.

House Vote: Yeas 93 Nays 0 Absent 1

Senate Vote: Yeas 41 Nays 0 Absent 6

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,

at _____ o'clock _____ M.

Secretary of State