

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2058

Introduced by

Workforce Development Committee

(At the request of the Department of Water Resources)

1 A BILL for an Act to amend and reenact subsection 5 of section 43-35-13, section 43-35-14,
2 subsection 1 of section 43-35-17, and sections 43-35-21 and 43-35-23 of the North Dakota
3 Century Code, relating to the operations of the board of water well contractors; and to repeal
4 ~~sections 43-35-11.1, 43-35-12, 43-35-13, 43-35-14,~~section 43-35-16, ~~and 43-35-17~~ of the North
5 Dakota Century Code, relating to the operations of the board of water well contractors.

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

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

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

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

1 **43-35-14. Bond required.**

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

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

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

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

24 **43-35-21. Certification to nonresidents - Reciprocity.**

25 To the extent other states providing for the certification of water well contractors, monitoring
26 well contractors, water well pump and pitless unit installers, or geothermal system drillers
27 provide for similar action, the board may grant certification to water well contractors, monitoring
28 well contractors, water well pump and pitless unit installers, and geothermal system drillers
29 certified by other states, upon payment by the applicant of the required fee and the furnishing of
30 a bond as provided by section ~~43-35-14~~ set by the board by rule, after being furnished with proof

1 that the qualifications of the applicant are equal to the qualifications of holders of such
2 certificates in this state.

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

5 **43-35-23. Continuing education - Preapproval requirements.**

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

11 2. ~~Continuing education coursework may be provided by the national ground water~~
12 ~~association, the North Dakota well drillers association, incorporated, a~~
13 ~~board-sponsored workshop, the department of environmental quality, the state water~~
14 ~~commission, or by any board-approved course provider.~~

15 3. ~~A continuing education course must be preapproved by the board unless otherwise~~
16 ~~provided under this section. A continuing education course provider or a certificate~~
17 ~~holder shall request preapproval of continuing education coursework by submitting to~~
18 ~~the board a course outline, the instructor's name, the length of the training, and an~~
19 ~~explanation of how the training relates to the construction and service of water wells.~~

20 4. ~~A certificate holder may request approval of education that was not preapproved by~~
21 ~~submitting to the board verification of attendance, a course outline, and an explanation~~
22 ~~of why preapproval was not obtained. The board shall determine on a case-by-case~~
23 ~~basis whether to approve education that was not preapproved.~~

24 **SECTION 6. REPEAL.** ~~Sections 43-35-11.1, 43-35-12, 43-35-13, 43-35-14, Section~~
25 ~~43-35-16, and 43-35-17~~ of the North Dakota Century Code ~~are~~is repealed.