

2025 SENATE WORKFORCE DEVELOPMENT

SB 2110

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2110
1/10/2025

Relating to certification of water distribution and wastewater systems operators.

9:45 a.m. Chairman Wobbema opened the hearing.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Change certification date
- Third-party testing services
- Testing fees
- Penalty implementation
- License renewal

9:45 a.m. David Bruschwein, Division director of NDDEQ, testified in favor and submitted testimony #28317.

9:57 a.m. Erik Wallevand, Assistant Attorney General, testified in favor.

10:06 a.m. Eric Volk, Executive Director of ND Rural Water Systems Association, testified in favor.

10:11 a.m. Matt Gardner, Executive Director of North Dakota League of Cities, testified in favor.

10:13 a.m. Chairman Wobbema closed the hearing.

Andrew Ficek, Committee Clerk



Environmental Quality

Testimony in Support of
Senate Bill No. 2110

Senate Workforce Development Committee

January 10, 2025

TESTIMONY OF

David Bruschwein, Director of the Division of Municipal Facilities

Good morning, Chairman Wobbema and members of the Senate Workforce Development Committee. My name is David Bruschwein, and I am the Director of the Division of Municipal Facilities at the North Dakota Department of Environmental Quality. I am here to testify in support of SB 2110.

Background

First, I would like to give a brief background on the certification program. The Department of Environmental Quality (DEQ) is responsible for certifying operators of public drinking water and wastewater systems within North Dakota. The certification requires operators to obtain sufficient education and experience, and then complete a final examination. The DEQ recently received several stakeholder requests to update our certification process. Thus, DEQ is proposing SB 2110 to make the necessary updates and improvements as requested.

Section 1: NDCC 23.1-07-04

The change requested in **Section 1** moves the start of the operator certification year from July 1st to January 1st. This was requested by stakeholders to reduce confusion by moving the certification year to coincide with the calendar year.

Section 3: NDCC 23.1-07-06

The change requested in **Section 3** would allow the DEQ the option to use a third-party testing service. Currently, DEQ staff develop, conduct, and grade exams. There are 5 levels of certification for both drinking water and wastewater systems based on size and complexity. There is a different exam for each level. The North Dakota Century Code does not allow the option to use a third party in the examination process. The use of third-party testing allows for a more secure exam process, a more detailed review of completed exams by exam takers, and eventually a proctored exam site option. The use of a proctored site is very desirable for small system operators who would be able to take an exam at a time of their choosing instead of being limited to the monthly testing day.

Section 2: NDCC 23.1-07-05

The change requested in **Section 2** is to allow the operator certification testing fees to be set in the Administrative Code. The requested change will allow the DEQ to update exam fees

more easily to reflect the changes in third-party testing costs.

Section 4: NDCC 23.1-07-08

The change requested in **Section 4** updates the penalty implementation for violations of operator certification. Currently, the North Dakota Century Code only provides a class A misdemeanor for operator violations. This is an excessive penalty for most operator certification violations. Further, state's attorneys may not have the time or resources to bring these kinds of criminal actions forward. The requested change allows DEQ to apply civil penalties while still providing a class A misdemeanor for intentional or willful violations.

Mr. Chairman and committee members, this concludes my testimony. I ask for your support for SB2110. I would be happy to answer any questions.

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2110
1/16/2025

Relating to the certification and penalization of water distribution and wastewater systems operators; and to provide a penalty.

11:04 a.m. Chairman Wobbema opened the hearing.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Amendment
- Potential violations
- Timing of violations

11:06 a.m. David Bruschwein, Director of the Division of Municipal Facilities at ND Department of Environmental Quality, testify in favor and submitted testimony #29529.

11:13 a.m. Erik Wallevand, Assistant Attorney General, testified in neutral.

11:16 a.m. Senator Larson moved a Do Pass on Amendment LC#25.8052.01001.

11:17 a.m. Senator Axtman seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

11:18 a.m. Motion passed 5-0-0.

11:19 a.m. Senator Larson moved do pass as amended.

11:19 a.m. Senator Axtman seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

11:20 a.m. Motion passed 5-0-0.

11:20 a.m. Chairman Wobbema will carry the bill.

11:20 a.m. Chairman Wobbema closed the hearing.

Andrew Ficek, Committee Clerk

January 16, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2110

Introduced by

Workforce Development Committee

(At the request of the Department of Environmental Quality)

1-16-25
1 of 3

1 A BILL for an Act to create and enact a new section to chapter 23.1-07 of the North Dakota
2 Century Code, relating to the certification and regulation of water distribution and wastewater
3 system operators; to amend and reenact subsection 1 of section 23.1-07-04 and sections
4 23.1-07-05, 23.1-07-06, and 23.1-07-08 of the North Dakota Century Code, relating to the
5 certification and penalization of water distribution and wastewater system operators; and to
6 provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Subsection 1 of section 23.1-07-04 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 1. A certificate issued under this chapter is valid for only one year and expires on the first
11 day of July~~January~~ of the year after which it was issued.

12 **SECTION 2. AMENDMENT.** Section 23.1-07-05 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **23.1-07-05. Fees.**

15 The department ~~may charge a fee for certificates issued under this chapter, but the fees~~
16 ~~may not exceed fifty dollars for the initial certificate, or twenty-five dollars for the annual renewal~~
17 ~~certificate~~ by rule may prescribe and provide for the payment and collection of reasonable fees
18 for certificates issued under this chapter. The fees must be based on the anticipated cost of
19 filing and processing applications for operator certification, preparing and administering
20 examinations, and the annual renewal of certificates. All receipts from the fees must be

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deposited in the state treasury to be credited to a special fund to be known as the "operators' certification fund" to be used by the department to administer and enforce this chapter and financially assist the department in conducting operator training programs. Any surplus at the end of the fiscal year must be retained by the department for future expenditures.

SECTION 3. AMENDMENT. Section 23.1-07-06 of the North Dakota Century Code is amended and reenacted as follows:

23.1-07-06. Duties of the department.

The department shall:

1. Hold at least one examination each year, administered by the department or a third-party examination service, at a designated time and place for the purpose of examining candidates for certification.
2. Promote the program of certification of water supply and wastewater disposal system operators.
3. Distribute notices and applications and to receive and evaluate applications.
4. Collect fees for initial certification and annual renewal.
5. Prepare, conduct, and grade examinations. The department may use a third-party examination service to prepare, conduct, and grade examinations.
6. Maintain records of operator qualifications, certification examination results, and a register of certified operators.
7. Promote and schedule regular training schools and programs.
8. Adopt rules necessary to carry out this chapter.

SECTION 4. AMENDMENT. Section 23.1-07-08 of the North Dakota Century Code is amended and reenacted as follows:

23.1-07-08. Violations - Penalty.

~~Any~~

1. A person that violates this chapter, a rule implementing this chapter, or an order issued by the department under this chapter is subject to a civil penalty not to exceed five thousand dollars per day of violation.
2. ~~A person violating~~that willfully violates this chapter or the rules adopted under this chapter, after written notice of the violation by the department, is guilty of a class A misdemeanor.

Jan 30/13

- 1 3. A person that willfully makes a false statement, representation, or certification in an
2 application, record, report, plan, or other document filed or required to be maintained
3 under this chapter or any rule, order, limitation, or other applicable requirement
4 implementing this chapter or that falsifies, tampers with, or willfully renders inaccurate
5 any monitoring device or sample is guilty of a class A misdemeanor, unless the penalty
6 for the violation is otherwise specifically provided for and made exclusive in this
7 chapter.

8 **SECTION 5.** A new section to chapter 23.1-07 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Administrative procedure and judicial review.**

- 11 1. A proceeding under this chapter to adopt or modify rules relating to the certification
12 and regulation of water distribution and wastewater system operators, or for
13 determining compliance with rules of the department, must be conducted in
14 accordance with the provisions of chapter 28-32.
15 2. An appeal of a decision issued under subsection 1, must be conducted in accordance
16 with the provisions of chapter 28-32.

**REPORT OF STANDING COMMITTEE
SB 2110**

Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS** ([25.8052.01001](#)) and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2110 was placed on the Sixth order on the calendar. This bill does not affect workforce development.



Environmental Quality

Testimony in Support of
Senate Bill No. 2110

Senate Workforce Development Committee

January 16, 2025

TESTIMONY OF

David Bruschwein, Director of the Division of Municipal Facilities

Good morning, Chairman Wobbema and members of the Senate Workforce Development Committee. My name is David Bruschwein, and I am the Director of the Division of Municipal Facilities at the North Dakota Department of Environmental Quality. I am here to testify about the Department's proposed amendment to SB 2110.

Background

The amendment is a result of the questions by this committee on the procedure and due process protections when imposing a penalty for violations of the chapter under section 23.1-07-08. In reviewing other chapters under Title 23.1, we noticed the chapters on regulating radiation, hazardous waste, air pollution, and solid waste had a specific section on administrative procedure and judicial review. To maintain uniformity with similar chapters under Title 23.1, the Department thinks there should be a specific judicial procedure section for Chapter 23.1-07.

Section 5: Amendment

Section 5 of the bill proposes a new section to chapter 23.1-07 for administrative procedure and judicial review under this chapter. This section specifically states that both rulemaking and enforcement of rules under this chapter "must be conducted in accordance with the provisions of chapter 28-32, and appeals may be taken as provided under that chapter." We hope this addition to ch. 23.1-07 helps clarify the process of enforcing rules adopted under this chapter and how someone subject to an enforcement action may respond to or appeal the alleged violations.

Mr. Chairman and committee members, this concludes my testimony. I ask for your support for SB2110 as it is amended here. I would be happy to answer any questions.

**PROPOSED AMENMENTS TO
SENATE BILL NO. 2110**

Introduced by

Workforce Development Committee

(At the request of the Department of Environmental Quality)

1 A BILL for an Act to create and enact a new section to chapter 23.1-07 of the North Dakota
2 Century Code, relating to administrative procedure and judicial review of the promulgation and
3 enforcement of rules under this chapter; to amend and reenact subsection 1 of section
4 23.1-07-04 and sections 23.1-07-05, 23.1-07-06, and 23.1-07-08 of the North Dakota Century
5 Code, relating to the certification and penalization of water distribution and wastewater systems
6 operators; and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Subsection 1 of section 23.1-07-04 of the North Dakota
9 Century Code is amended and reenacted as follows:
10 1. A certificate issued under this chapter is valid for only one year and expires on the first
11 day of ~~July~~January of the year after which it was issued.

12 **SECTION 2. AMENDMENT.** Section 23.1-07-05 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **23.1-07-05. Fees.**

15 The department ~~may charge a fee for certificates issued under this chapter, but the fees~~
16 ~~may not exceed fifty dollars for the initial certificate, or twenty-five dollars for the annual renewal~~
17 ~~certificate~~by rule may prescribe and provide for the payment and collection of reasonable fees
18 for certificates issued under this chapter. The fees must be based on the anticipated cost of
19 filing and processing applications for operator certification, preparing and administering
20 examinations, and the annual renewal of certificates. All receipts from the fees must be
21 deposited in the state treasury to be credited to a special fund to be known as the "operators'
22 certification fund" to be used by the department to administer and enforce this chapter and
23 financially assist the department in conducting operator training programs. Any surplus at the
24 end of the fiscal year must be retained by the department for future expenditures.

1 **SECTION 3. AMENDMENT.** Section 23.1-07-06 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **23.1-07-06. Duties of the department.**

4 The department shall:

- 5 1. Hold at least one examination each year, administered by the department or a third-
6 party examination service, at a designated time and place for the purpose of
7 examining candidates for certification.
- 8 2. Promote the program of certification of water supply and wastewater disposal system
9 operators.
- 10 3. Distribute notices and applications and to receive and evaluate applications.
- 11 4. Collect fees for initial certification and annual renewal.
- 12 5. Prepare, conduct, and grade examinations. The department may use a third-party
13 examination service to prepare, conduct, and grade examinations.
- 14 6. Maintain records of operator qualifications, certification examination results, and a
15 register of certified operators.
- 16 7. Promote and schedule regular training schools and programs.
- 17 8. Adopt rules necessary to carry out this chapter.

18 **SECTION 4. AMENDMENT.** Section 23.1-07-08 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **23.1-07-08. Violations - Penalty.**

21 Any

- 22 1. A person that violates this chapter, a rule implementing this chapter, or an order issued
23 by the department under this chapter is subject to a civil penalty not to exceed five
24 thousand dollars per day of violation.
- 25 2. A person violating that willfully violates this chapter or the rules adopted under this
26 chapter, after written notice of the violation by the department, is guilty of a class A
27 misdemeanor.
- 28 3. A person that willfully makes a false statement, representation, or certification in an
29 application, record, report, plan, or other document filed or required to be maintained
30 under this chapter or any rule, order, limitation, or other applicable requirement
31 implementing this chapter or that falsifies, tampers with, or willfully renders inaccurate
32 any monitoring device or sample is guilty of a class A misdemeanor, unless the penalty

1 for the violation is otherwise specifically provided for and made exclusive in this
2 chapter.

3 **SECTION 5. AMENDMENT.** A new section to chapter 23.1-07 of the North Dakota Century

4 Code is created and enacted as follows:

5 **Administrative procedure and judicial review**

6 A proceeding under this chapter to adopt or modify rules relating to the certification and
7 regulation of drinking water and wastewater system operators, or for determining compliance
8 with rules of the department, must be conducted in accordance with the provisions of chapter
9 28-32, and appeals may be taken as provided under that chapter.

2025 HOUSE ENERGY AND NATURAL RESOURCES

SB 2110

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2110

3/6/2025

Relating to the certification and penalization of water distribution and wastewater system operators; and to provide a penalty.

2:20 p.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, M.
Ruby, Conmy, Foss

Discussion Topics:

- Safe drinking water act
- Operator certification

2:21 p.m. Karl Rockeman, Deputy Director, Department of Environmental Quality, testified in favor and submitted testimony. #39055

2:29 p.m. Eric Wallevand, ND Attorney General's office, answered questions for the committee.

2:34 p.m. Eric Volk, Executive Director, ND Rural Water, testified in favor and submitted testimony in favor. #39286

2:42 p.m. Karl Rockeman, Deputy Director, Department of Environmental Quality answered questions for the committee.

2:52 p.m. Chairman Porter closed the hearing.

Leah Kuball, Committee Clerk

TESTIMONY OF

Karl Rockeman, Deputy Director of Environmental Quality

Good afternoon, Chairman Porter and members of the House Energy and Natural Resources Committee. My name is Karl Rockeman, and I am the Deputy Director of the North Dakota Department of Environmental Quality. I am here to testify in support of SB 2110.

Background

The Department of Environmental Quality (DEQ) is responsible for certifying operators of public drinking water and wastewater systems within North Dakota. The certification requires operators to obtain sufficient education and experience, and then complete a final examination. The DEQ recently received several stakeholder requests to update our certification process. Thus, DEQ is proposing SB 2110 to make the necessary updates and improvements as requested.

Section 1: NDCC 23.1-07-04

The change requested in **Section 1** moves the start of the operator certification year from July 1st to January 1st. This was requested by stakeholders to reduce confusion by moving the certification year to coincide with the calendar year instead of the state fiscal year.

Section 3: NDCC 23.1-07-06

The change requested in **Section 3** would allow the DEQ the option to use a third-party testing service. Currently, DEQ staff develop, conduct, and grade exams. There are 5 levels of certification for both drinking water and wastewater systems based on size and complexity and there is a different exam for each level. The North Dakota Century Code currently does not allow the option to use a third party in the examination process. The use of third-party testing provides additional flexibility by allowing for a more secure exam process, a more detailed review of completed exams by exam takers, and eventually a proctored exam site option. The use of a proctored site is very desirable for small system operators who would be able to take an exam at a time of their choosing instead of being limited to the monthly testing day.

Section 2: NDCC 23.1-07-05

The change requested in **Section 2** is to allow the operator certification testing fees to be set in the Administrative Code. The requested change will allow the DEQ to update exam fees

more easily to reflect the changes in third-party testing costs.

Section 4: NDCC 23.1-07-08

The change requested in **Section 4** updates the penalty implementation for violations of operator certification. Currently, the North Dakota Century Code only provides a class A misdemeanor for operator violations. This is a criminal penalty and is excessive for most operator certification violations. Further, state's attorneys may not have the time or resources to bring these kinds of criminal actions forward. The requested change allows DEQ to apply civil penalties while still allowing a class A misdemeanor for intentional or willful violations.

Section 5: NDCC 23.1-07

The change requested in **Section 5** ensures that an enforcement proceeding for a civil penalty included in Section 4 is covered by NDCC ch. 28-32. This will allow the DEQ to follow its enforcement policy that includes both informal and formal enforcement actions while providing due process protections for those involved.

Mr. Chairman and committee members, this concludes my testimony. I ask for your support for SB2110. I would be happy to answer any questions.



Eric Volk, Executive Director

ND Rural Water Systems Association

In Support of Senate Bill 2110

House Energy & Natural Resources Committee

March 6, 2025

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Eric Volk. I am the executive director of the North Dakota Rural Water Systems Association (NDRWSA). Our vision is to ensure all of North Dakota has access to affordable, ample, and quality water. NDRWSA works with all the State's small and rural water and wastewater systems to help improve their technical, managerial, and financial capacity. Today, I am submitting testimony in support of Senate Bill 2110, which updates the certification and testing process for water and wastewater operators.

Our work with these systems includes a strong focus on Operator Certification. The Association plays a crucial role in helping operators achieve and maintain their certification. Properly certified and engaged operators are essential for the success and sustainability of our systems. During the interim, we collaborated closely with the NDDEQ to update their certification program, providing practical, real-world suggestions to enhance the overall process. We believe the Department's proposed changes represent a significant step forward for our water and wastewater systems.

ND Water System Facts: 306 Community Water Systems

- 178 serve less than 500 people
- 44 serve between 500-1,000
- 50 serve between 1,000-3,300
- 24 serve between 3,300-10,000
- 10 serve over 10,000

With that said, the NDRWSA supports Senate Bill 2110. Thank you for giving me the opportunity to provide testimony on behalf of the members of the NDRWSA. Eric Volk, ericvolk@ndrw.org.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

SB 2110
3/6/2025

Relating to the certification and penalization of water distribution and wastewater system operators; and to provide a penalty.

3:09 p.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Ruby,
Conmy, Foss

Discussion Topics:

- Committee action

3:18 p.m. Representative Heinert moved a Do Pass.

3:18 p.m. Representative Headland seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	AB
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared c. Hagert	Y
Representative Craig Headland	Y
Representative Pat D. Heinert	Y
Representative Jorin Johnson	Y
Representative Andrew Marschall	Y
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	Y

Motion carried: 12-0-1

3:23 p.m. Representative Headland moved to place on consent calendar.

3:23 p.m. Representative Hagert seconded the motion.

Voice vote: Motion carried

Bill carrier: Representative Heinert

3:24 p.m. Chairman Porter closed the hearing.

House Energy and Natural Resources Committee

SB 2110

03-06-25

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Leah Kuball, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2110 ([25.8052.02000](#))**

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2110 was placed on the Tenth order on the calendar.