

**Sixty-sixth Legislative Assembly of North Dakota  
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1377  
(Representatives Magrum, Ertelt, Headland, Jones, Kiefert, Pollert)  
(Senators Dwyer, Erbele, Schaible, Wanzek)

AN ACT to amend and reenact sections 43-35-03, 43-35-17, and 43-35-23 of the North Dakota Century Code, relating to state board of water well contractors and continuing education requirements for water well pump and pitless unit installers; and to declare an emergency.

**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, two water well contractors appointed by the governor, one geothermal system driller or one monitoring well contractor 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.

**(Contingent effective date - See note) State board of water well contractors - Members' appointment - Qualification.** The state board of water well contractors consists of the state engineer and the director of the department of environmental quality, or their duly authorized designees, two water well contractors appointed by the governor, one geothermal system driller or one monitoring well contractor 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 43-35-17 of the North Dakota Century Code is amended and reenacted as follows:

**43-35-17. Renewal of certificate - Continuing education.**

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. ~~TheTo renew a certificate may be renewed by, a certificate holder shall submit to the board upon a completed renewal application. Every two years the application must include reporting information that the applicant completed six hours of continuing education during the two-year reporting cycle which meets continuing education standards adopted by the board. The completed renewal application must be made:~~
  - a. Submitted to the board before April first in the year following the certificate's expiration; ~~must be accompanied;~~
  - b. Accompanied by a fee in an amount set by the board not to exceed two hundred dollars; ~~and must be accompanied;~~
  - c. Accompanied by any continuing education reporting information required under this section; and
  - d. Accompanied by a bond as provided in section 43-35-14.
2. Except as provided under subsection 3, every two years the renewal application must include reporting information verifying the applicant completed six hours of board-approved continuing education during the two-year reporting cycle.

3. A renewal application for certification as a water well pump and pitless unit installer must include reporting information verifying the applicant completed two hours of board-approved continuing education during the two-year reporting cycle.
4. The board shall adopt rules establishing continuing education standards.

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

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

Each

1. As provided under section 43-35-17, each certificate holder shall earn ~~at least six hours of~~ 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.
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 state department of health, 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.

**(Contingent effective date - See note) Continuing education - Preapproval requirements.**

Each

1. As provided under section 43-35-17, each certificate holder shall earn ~~at least six hours of~~ 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.
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 disapproved by the board unless otherwise provided under this section. A continuing education course provider or a certificate holder shall request disapproval 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 4. EMERGENCY.** This Act is declared to be an emergency measure.

\_\_\_\_\_  
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 Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1377 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 90                      Nays 0                      Absent 4

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 44                      Nays 1                      Absent 1

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State