

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2189

Introduced by

Senators Klein, Dotzenrod, Unruh

Representatives Laning, Zubke

1 A BILL for an Act to amend and reenact sections 43-35-05, 43-35-06, 43-35-07, 43-35-14, and
2 43-35-22 of the North Dakota Century Code, relating to the board of water well contractors; and
3 to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 43-35-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-35-05. Officers - Office.**

8 The members of the board shall meet annually ~~on the second Monday~~ in July at a time and
9 place designated by the president, ~~except that the first meeting must be held in the office of the~~
10 ~~state engineer at ten a.m., to.~~ The board shall select from their number the board's membership
11 a president, vice president, and a secretary-treasurer. The secretary-treasurer need not be a
12 member of the board. Additional board meetings may be provided for in the bylaws or rules and
13 regulations adopted by the board.

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

16 **43-35-06. Secretary-treasurer ~~bond-~~ Bond - Executive officer.**

17 Promptly upon assuming the office, the secretary-treasurer shall furnish a bond satisfactory
18 to the board for the faithful performance and discharge of the secretary-treasurer's duties in an
19 amount determined by the board, the premium for which is to be paid from board funds. The
20 secretary-treasurer shall serve as the executive officer for the board.

21 **SECTION 3. AMENDMENT.** Section 43-35-07 of the North Dakota Century Code is
22 amended and reenacted as follows:

1 **43-35-07. Compensation and reimbursement of expenses.**

2 Each appointive member of the board is entitled to receive ~~sixty-two dollars and fifty-~~
3 ~~cents~~up to one hundred twenty-five dollars compensation per day and ~~must be reimbursed~~is
4 entitled to receive reimbursement for expenses in the same amounts as provided for in sections
5 44-08-04 and 54-06-09 while attending board meetings or otherwise engaged in the official
6 business of the board. The board shall establish the compensation rate.

7 **SECTION 4. AMENDMENT.** Section 43-35-14 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-35-14. Bond required.**

10 Before receiving a certificate under this chapter, a qualified applicant shall execute and
11 deposit with the board a surety bond ~~in the amount of two thousand dollars~~ conditioned for the
12 faithful performance of all water well, monitoring well, pump and pitless unit, or geothermal
13 system installation contracts undertaken by the applicant and the strict compliance with this
14 chapter. The required amount of a surety bond is fifteen thousand dollars for a water well
15 contractor and is two thousand dollars for a monitoring well, pump and pitless unit, or
16 geothermal system installation contractor.

17 **SECTION 5. AMENDMENT.** Section 43-35-22 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **43-35-22. ~~Contracting without certification~~Violation of chapter - Penalty.**

- 20 1. Any person contracting to drill a water well or monitoring well, drill a pump or pitless
21 unit, or drill a geothermal system for another without being certified in accordance with
22 this chapter, ~~or; any person that willfully violates an order of the board; or otherwise~~
23 ~~violating~~any person that willfully violates a provision of this chapter, is guilty of an-
24 infraction a class B misdemeanor.
- 25 2. In addition to criminal sanctions that may be imposed, the board or the district court
26 may assess a civil penalty against a person that violates any provision of this chapter
27 or any rule adopted by the board under this chapter. The civil penalty may not exceed
28 five thousand dollars for each day the violation occurred and continues to occur. The
29 civil penalty may be adjudicated by the district court or by the executive officer on
30 behalf of the board through an administrative hearing under chapter 28-32.

- 1 3. If a person against which a civil penalty was assessed by the executive officer after an
2 administrative hearing does not pay the civil penalty within thirty days of receiving
3 notice of the order, the board may pursue a judgment from the district court.
4 Notwithstanding section 57-20-22, a violator shall pay to the board all interest and
5 penalties. Any civil penalty assessed under this section is in addition to any costs
6 incurred by the board for enforcement of the order.