Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2189
(Senators Klein, Dotzenrod, Unruh)
(Representatives Laning, Zubke)

AN ACT to amend and reenact sections 43-35-05, 43-35-06, 43-35-07, 43-35-09, 43-35-14, and 43-35-22 of the North Dakota Century Code, relating to the board of water well contractors; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

43-35-05. Officers - Office.

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

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~~- Bond - Executive officer.

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 an amount determined by the board, the premium for which is to be paid from board funds. The board shall appoint one of its members to serve as the executive officer for the board.

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

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

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

SECTION 4. AMENDMENT. Section 43-35-09 of the North Dakota Century Code is amended and reenacted as follows:

43-35-09. Deposit of fees - Use and appropriation of funds.

All fees received by the treasurer under this chapter must be deposited to the credit of the board in the Bank of North Dakota and disbursed only on order of the ~~president~~chairman and secretary-treasurer. Funds collected for certifying and inspections may be expended in such manner as the board deems necessary to best carry out the provisions of this chapter. All funds accruing to the credit of the state board of water well contractors are hereby permanently appropriated to the board for the purpose of this chapter.

SECTION 5. 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, pump and pitless unit, or geothermal system installation contracts undertaken by the applicant and the strict compliance with this chapter. The required amount of a surety bond is fifteen thousand dollars for a water well contractor and is two thousand dollars for a monitoring well, pump and pitless unit, or geothermal system installation contractor.

SECTION 6. AMENDMENT. Section 43-35-22 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Any person contracting to drill a water well or monitoring well, ~~drill~~install a pump or pitless unit, or drill a geothermal system for another without being certified in accordance with this chapter~~, or~~ or ~~otherwise violating~~any person that willfully violates a provision of this chapter, is guilty of ~~an infraction~~a class B misdemeanor.

2. In addition to criminal sanctions that may be imposed, the board or the district court may assess the cost to repair any damage caused by the violation, any costs incurred by the board in the action, and a civil penalty against a person that violates any provision of this chapter or any rule adopted by the board. The civil penalty may not exceed ten thousand dollars. The civil penalty may be adjudicated by the district court or through an administrative hearing under chapter 28-32.

3. If a person against which a civil penalty was assessed after an administrative hearing does not pay or appeal the civil penalty within thirty days of receiving notice of the order, interest begins to accrue on the unpaid amount of the civil penalty at the rate of twelve percent per annum and the board may pursue a judgment from the district court. Notwithstanding section 57-20-22, a violator shall pay to the board all interest and penalties. The proceeds of any civil penalty or interest received by the board, after retention of any costs incurred by the board in the action, must be transferred to the state treasurer for deposit in the state general fund.

SECTION 7. EMERGENCY. Section 3 of this Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2189 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

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

Vote: Yeas 74 Nays 19 Absent 1

Speaker of the House

Chief Clerk of the House

Received by the Governor at 8:41 A.M. on April 10, 2015.

Approved at 3:00 P.M. on April 13, 2015.

Governor

Filed in this office this 13 day of April, 2015,

at 4:37 o'clock P M.

Secretary of State