

HOUSE BILL NO. HB0099

Water well drilling contractors certification.

Sponsored by: Representative(s) Hageman and Senator(s)
Meier

A BILL

for

1 AN ACT relating to professions and occupations; providing
2 for the certification of water well drilling contractors
3 and water well pump installation contractors; providing
4 definitions; creating a board of examining water well
5 drilling contractors and water well pump installation
6 contractors; providing duties and powers of the board;
7 establishing certification procedures; providing for fees;
8 providing for examinations and continuing education;
9 providing for landowner exemptions as specified; providing
10 for revocation or suspension of certificate; granting
11 rulemaking authority; providing penalties; and providing
12 for an effective date.

13

14 *Be It Enacted by the Legislature of the State of Wyoming:*

15

1 **Section 1.** W.S. 33-42-101 through 33-42-112 are
2 created to read:

3

4

CHAPTER 42

5

WATER WELL DRILLING CONTRACTORS AND

6

WATER WELL PUMP INSTALLATION CONTRACTORS

7

8

33-42-101. Short title.

9

10 This act shall be known and may be cited as the "Water Well
11 Drilling Contractors and Water Well Pump Installation
12 Contractors Act."

13

14

33-42-102. Definitions.

15

16

(a) As used in this act:

17

18

19

20

21

22

23

(i) "Board" means the state board of examining
water well drilling contractors and water well pump
installation contractors;

(ii) "Underground water" means any water,
including hot water and geothermal steam, under the surface

1 of the land or under the bed of any stream, lake or
2 reservoir;

3

4 (iii) "Water well drilling contractor" means any
5 person responsible for or causing the construction,
6 equipping, test pumping or development of any water well
7 for compensation or otherwise as provided by this act;

8

9 (iv) "Water well pump installation contractor"
10 means any person who is in the business of installing
11 pumping equipment in water wells for compensation or
12 otherwise as provided by this act;

13

14 (v) "Well" means any artificial opening in the
15 ground for the production of groundwater or the disposal of
16 water underground, including developed springs, test wells,
17 monitoring wells, deep well ground beds (cathodic
18 protection bores), geothermal or heat exchange wells, drive
19 points and excavations for the purpose of artificial
20 recharge to the groundwater bodies or disposal of wastes.
21 The term "well" does not include excavations made for the
22 dewatering of construction sites, mines or oil and gas
23 wells, and the prospecting for and removal of mineral

1 products, nor wells for the production of the media for
2 secondary oil recovery;

3

4 (vi) "This act" means W.S. 33-42-101 through
5 33-42-112.

6

7 **33-42-103. Certification.**

8

9 It is unlawful for any person to use in connection with his
10 name or to advertise any title or description tending to
11 convey the impression that he is a certified water well
12 drilling contractor or water well pump installation
13 contractor unless he has been certified under this act.

14

15 **33-42-104. Board of examining water well drilling**
16 **contractors and water well pump installation contractors**
17 **created; composition; appointment; terms; vacancies;**
18 **qualification; compensation.**

19

20 (a) The state board of examining water well drilling
21 contractors and water well pump installation contractors is
22 created to consist of the following seven (7) members:

23

1 (i) The state engineer or his authorized
2 representative;

3

4 (ii) The director of the department of
5 environmental quality or his authorized representative; and

6

7 (iii) Five (5) members appointed by the governor
8 as follows:

9

10 (A) One (1) water well drilling contractor
11 engaged in the practice of irrigation well contracting or a
12 municipal or industrial well contractor;

13

14 (B) One (1) water well drilling contractor
15 engaged in the practice of domestic and stock water well
16 contracting;

17

18 (C) One (1) at large water well drilling
19 contractor;

20

21 (D) One (1) water well pump installation
22 contractor; and

23

1 (E) One (1) member of the general public
2 who owns an active water well.

3

4 (b) The members appointed by the governor shall serve
5 for a term of four (4) years, except three (3) of the
6 initial appointments shall be for a term of two (2)
7 years. Each member shall hold office until his successor
8 is appointed and has been qualified. The governor may
9 remove any member of the board as provided by W.S. 9-1-202.
10 A vacancy occurring in the board by death, resignation or
11 otherwise, shall be filled by appointment by the governor
12 upon recommendation of the remaining board members for the
13 unexpired term.

14

15 (c) Each member of the board appointed by the
16 governor shall have been a resident of this state for at
17 least one (1) year at the time of his appointment. Each
18 contractor board member shall have been engaged in the
19 practice of his profession for at least five (5) years
20 prior to his appointment. After the appointment of the
21 initial board, any water well drilling contractor or water
22 well pump installation contractor appointed to the board
23 shall be certified within six (6) months after appointment.

24

1 (d) The members of the board shall serve without
2 compensation other than per diem and mileage allowance as
3 allowed to state employees for the performance of their
4 duties.

5

6 **33-42-105. Organization of board; meetings; quorum;**
7 **disposition of funds.**

8

9 (a) The state engineer or his representative shall be
10 secretary of the board and shall have charge of the records
11 and be responsible for budget preparation and general
12 administrative duties.

13

14 (b) The members of the board shall elect a chairman
15 from their membership who shall hold office for a term of
16 two (2) years. No member shall serve more than two (2)
17 consecutive terms as chairman.

18

19 (c) Meetings of the board shall be called by the
20 chairman or upon request of not less than four (4) members
21 and held in an appropriate location. The board shall hold
22 not less than two (2) meetings each year. Four (4) members
23 shall constitute a quorum. No decision shall be made

1 unless it receives the affirmative votes of at least four
2 (4) members of the board.

3

4 (d) Fees collected by the board shall be paid into
5 the state treasury and credited to an account which shall
6 be used by the board to defray costs incurred in the
7 administration of this act. The board shall not maintain
8 unnecessary fund balances.

9

10 **33-42-106. Powers of the board in general; enjoining**
11 **unlawful acts.**

12

13 (a) The board is entitled to the services of the
14 attorney general in the conduct of its affairs and shall
15 reimburse the attorney general for actual cost of legal
16 services provided.

17

18 (b) Whenever any person has engaged or is about to
19 engage in any acts or practices which constitute a
20 violation of this act, the board, or the attorney general
21 on its behalf, may make application to the appropriate
22 court for an order enjoining those acts. Upon a showing by
23 the board that the person has engaged or is about to engage
24 in any illegal act, an injunction, restraining order or

1 other appropriate order shall be granted by the court
2 without bond, and without the necessity of a showing of
3 actual damages by the board.

4

5 (c) The board may compel the attendance of witnesses,
6 administer oaths and take testimony concerning all matters
7 within its jurisdiction.

8

9 **33-42-107. Duties of the board.**

10

11 (a) The board shall:

12

13 (i) Supervise the general administration of this
14 act;

15

16 (ii) Enforce the provisions of this act and any
17 rules and regulations promulgated under it and take all
18 action necessary to carry out the provisions of this act;

19

20 (iii) Examine the qualifications of anyone
21 desiring to obtain a certification to engage in the
22 business of water well drilling or the business of water
23 well pump installing within the state;

24

1 (iv) Adopt rules and regulations necessary to
2 carry out the provisions of this act;

3

4 (v) Conduct hearings upon complaints with
5 respect to any person certified under this act in
6 conformity with the Wyoming Administrative Procedure
7 Act. The hearing shall be held in the county where the
8 complaint originated; and

9

10 (vi) Establish continuing education for persons
11 certified to maintain knowledge of current industry
12 standards. However, the board shall not impose continuing
13 education requirements for any person which exceed eighteen
14 (18) hours in any three (3) year period.

15

16 **33-42-108. Certification in general; qualifications**
17 **of applicant; operator's certificate; temporary**
18 **certificate.**

19

20 (a) The board shall issue a certificate to an
21 applicant who:

22

23 (i) Is eighteen (18) years of age or older;

24

1 (ii) Has demonstrated professional competence by
2 passing an examination prescribed by the board;

3

4 (iii) Has paid the required fee; and

5

6 (iv) Has provided written documentation of
7 financial responsibility, including proof of general
8 liability insurance.

9

10 (b) In the case of hardship, the board may provide
11 special arrangements for administering the examination
12 required by this act.

13

14 (c) The state engineer may, if the applicant meets
15 all other requirements, issue a temporary certificate until
16 the next examination by the board. The temporary
17 certificate shall not be renewed more than once for any
18 applicant.

19

20 (d) An applicant for a certificate to engage in the
21 business of water well drilling or the business of water
22 well pump installing who is currently licensed or certified
23 in another state whose licensure or certification
24 requirements meets or exceeds the requirements of this

1 state, may receive a certificate by endorsement without
2 examination in this state upon submitting an application to
3 the board together with a certification from the board or
4 licensing or certifying agency of the state in which the
5 applicant is licensed or certified and payment of the
6 required fee.

7

8 (e) Subsection (d) of this section shall apply only
9 if the state in which the applicant is currently licensed
10 or certified grants similar reciprocity to persons
11 certified in Wyoming.

12

13 **33-42-109. Fees; renewal of lapsed certificates.**

14

15 (a) The board shall establish reasonable and
16 necessary fees pursuant to W.S. 33-1-201 for:

17

18 (i) Examination and reexamination of
19 certification applicants;

20

21 (ii) Certification fees shall not exceed two
22 hundred dollars (\$200.00). Renewal fees shall not exceed
23 two hundred dollars (\$200.00) for a three (3) year period
24 thereafter.

1

2

33-42-110. Examination; notification; reexamination.

3

4

5

6

(a) An examination shall be given at least twice annually. The examination shall be given at a location designated by the board.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

(b) The examination shall consist of a written or oral examination testing the applicant's knowledge of the basics of construction and state law, rules, regulations and local ordinances concerning the construction of water wells or installation of water well pumps and pumping equipment.

(c) Not less than thirty (30) days prior to examination the board shall notify each applicant that his application and evidence submitted for certification is satisfactory and accepted or unsatisfactory and rejected. If rejected, the reasons for rejection shall be given. The notice shall include the date and location of the examination.

1 (d) In the event an applicant fails to receive a
2 passing grade on examination, he may reapply for
3 examination within ninety (90) days.

4

5 **33-42-111. Denial, revocation or suspension of**
6 **certificate; hearing.**

7

8 (a) The board may withhold, deny, revoke or suspend
9 any certificate issued or applied for in accordance with
10 the provisions of this act upon proof that the certificate
11 holder or applicant:

12

13 (i) Has used fraud or deception in applying for
14 a certificate or in the taking of the examination;

15

16 (ii) Has willfully or negligently violated any
17 of the provisions of this act, the rules and regulations
18 adopted pursuant to this act or the statutes or rules and
19 regulations of the state pertaining to underground water;
20 or

21

22 (iii) Has failed while engaging in the business
23 of water well construction contracting or water well pump

1 installation contracting to comply with the state water
2 well minimum construction standards.

3

4 (b) No certificate may be suspended or revoked unless
5 there has been a hearing in conformity with the provisions
6 of the Wyoming Administrative Procedure Act.

7

8 **33-42-112. Violation and penalties.**

9

10 After two (2) years from the effective date of this act,
11 violation of any of the provisions of this act is a
12 misdemeanor punishable by a fine of not to exceed seven
13 hundred fifty dollars (\$750.00), a sentence of not to
14 exceed six (6) months in jail, or both.

15

16 **Section 2.** This act is effective July 1, 2003.

17

18

(END)