

HOUSE BILL NO. HB0099

Water well drilling contractors licenses.

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

A BILL

for

1 AN ACT relating to professions and occupations; providing
2 for the licensure of water well drilling contractors and
3 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 licensing procedures; providing for fees;
8 providing for examinations and continuing education;
9 providing initial exemption of active contractors;
10 providing for landowner exemptions as specified; providing
11 for revocation or suspension of licenses; granting
12 rulemaking authority; providing penalties; providing an
13 appropriation; providing for personnel; and providing for
14 an effective date.

15

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

1

2 **Section 1.** W.S. 33-42-101 through 33-42-114 are
3 created to read:

4

5

CHAPTER 42

6

WATER WELL DRILLING CONTRACTORS AND

7

WATER WELL PUMP INSTALLATION CONTRACTORS

8

9

33-42-101. Short title.

10

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

14

15

33-42-102. Definitions.

16

17 (a) As used in this act:

18

19

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

22

23

 (ii) "Underground water" means any water,
24 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 33-42-114.

6

7 **33-42-103. License required.**

8

9 It is unlawful for any person to engage in the business of
10 water well construction, drilling or water well pump
11 installing in this state or to use in connection with his
12 name or to advertise any title or description tending to
13 convey the impression that he is a licensed water well
14 drilling contractor or water well pump installation
15 contractor unless he has been licensed under this act. Any
16 person licensed pursuant to this act shall not be required
17 to obtain any additional license to carry on the activities
18 described in this act. This act shall not apply to any
19 person who drills his own well or installs pumping
20 equipment on a well entirely for his own use on property
21 owned or controlled by him with equipment owned or operated
22 by him.

23

1 **33-42-104. Board of examining water well drilling**
2 **contractors and water well pump installation contractors**
3 **created; composition; appointment; terms; vacancies;**
4 **qualification; compensation.**

5

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

9

10 (i) The state engineer or his authorized
11 representative;

12

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

15

16 (iii) Five (5) members appointed by the governor
17 as follows:

18

19 (A) One (1) water well drilling contractor
20 engaged in the practice of irrigation well contracting or a
21 municipal or industrial well contractor;

22

1 (B) One (1) water well drilling contractor
2 engaged in the practice of domestic and stock water well
3 contracting;

4

5 (C) One (1) at large water well drilling
6 contractor;

7

8 (D) One (1) water well pump installation
9 contractor; and

10

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

13

14 (b) The members appointed by the governor shall serve
15 for a term of four (4) years, except three (3) of the
16 initial appointments shall be for a term of two (2)
17 years. Each member shall hold office until his successor
18 is appointed and has been qualified. The governor may
19 remove any member of the board as provided by W.S. 9-1-202.
20 A vacancy occurring in the board by death, resignation or
21 otherwise, shall be filled by appointment by the governor
22 upon recommendation of the remaining board members for the
23 unexpired term.

24

1 (c) Each member of the board appointed by the
2 governor shall have been a resident of this state for at
3 least one (1) year at the time of his appointment. Each
4 contractor board member shall have been engaged in the
5 practice of his profession for at least five (5) years
6 prior to his appointment. After the appointment of the
7 initial board, any water well drilling contractor or water
8 well pump installation contractor appointed to the board
9 shall be licensed.

10

11 (d) The members of the board shall serve without
12 compensation other than per diem and mileage allowance as
13 allowed to state employees for the performance of their
14 duties.

15

16 **33-42-105. Organization of board; meetings; quorum;**
17 **disposition of funds.**

18

19 (a) The state engineer or his representative shall be
20 secretary of the board and shall have charge of the records
21 and be responsible for budget preparation, general
22 administrative duties and the employment and supervision of
23 any personnel employed under this act.

24

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

5

6 (c) Meetings of the board shall be called by the
7 chairman or upon request of not less than four (4) members
8 and held in an appropriate location. The board shall hold
9 not less than two (2) meetings each year. Four (4) members
10 shall constitute a quorum. No decision shall be made
11 unless it receives the affirmative votes of at least four
12 (4) members of the board.

13

14 (d) Fees collected by the board shall be paid into
15 the state treasury and credited to an account which shall
16 be used by the board to defray costs incurred in the
17 administration of this act. The board shall not maintain
18 unnecessary fund balances.

19

20 **33-42-106. Powers of the board in general; enjoining**
21 **unlawful acts.**

22

23 (a) The board is entitled to the services of the
24 attorney general in the conduct of its affairs.

1

2 (b) Whenever any person has engaged or is about to
3 engage in any acts or practices which constitute a
4 violation of this act, the board, or the attorney general
5 on its behalf, may make application to the appropriate
6 court for an order enjoining those acts. Upon a showing by
7 the board that the person has engaged or is about to engage
8 in any illegal act, an injunction, restraining order or
9 other appropriate order shall be granted by the court
10 without bond, and without the necessity of a showing of
11 actual damages by the board.

12

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

16

17 **33-42-107. Duties of the board.**

18

19 (a) The board shall:

20

21 (i) Supervise the general administration of this
22 act;

23

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

4
5 (iii) Examine the qualifications of anyone
6 desiring to obtain a license to engage in the business of
7 water well drilling or the business of water well pump
8 installing within the state;

9
10 (iv) Adopt rules and regulations necessary to
11 carry out the provisions of this act;

12
13 (v) Conduct hearings upon complaints with
14 respect to any licensee under this act in conformity with
15 the Wyoming Administrative Procedure Act. The hearing
16 shall be held in the county where the complaint originated;
17 and

18
19 (vi) Establish continuing education for
20 licensees to maintain knowledge of current industry
21 standards. However, the board shall not impose continuing
22 education requirements for any person which exceed eighteen
23 (18) hours in any three (3) year period.

24

1 **33-42-108. Licensing in general; qualifications of**
2 **applicant; operator's license; temporary license.**

3

4 (a) Any person desiring to engage in the business of
5 contracting for the construction of water wells or for the
6 installation of pumps or pumping equipment in water wells
7 shall obtain a license from the board before commencing
8 business.

9

10 (b) The board shall issue a license to an applicant
11 who:

12

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

14

15 (ii) Has demonstrated professional competence by
16 passing an examination prescribed by the board;

17

18 (iii) Has paid the required fee; and

19

20 (iv) Has provided written documentation of
21 financial responsibility.

22

1 (c) In the case of hardship, the board may provide
2 special arrangements for administering the examination
3 required by this act.

4

5 (d) The state engineer may, if the applicant meets
6 all other requirements, issue a temporary license until the
7 next examination by the board. The temporary license shall
8 not be renewed more than once for any applicant.

9

10 (e) An applicant for a license to engage in the
11 business of water well drilling or the business of water
12 well pump installing who is currently licensed in another
13 state whose licensure requirements are similar to this
14 state, may receive a license by endorsement without
15 examination in this state upon submitting an application to
16 the board together with a certification from the board or
17 licensing agency of the state in which the applicant is
18 licensed and payment of the required fee.

19

20 (f) Subsection (e) of this section shall apply only
21 if the state in which the applicant is currently licensed
22 grants similar reciprocity to persons licensed in Wyoming.

23

24 **33-42-109. Fees; renewal of lapsed licenses.**

1

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

4

5 (i) Examination and reexamination of license
6 applicants;

7

8 (ii) License fees and annual license renewals,
9 neither of which shall exceed two hundred dollars (\$200.00)
10 per year.

11

12 **33-42-110. Examination; notification; reexamination.**

13

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

17

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

24

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

8
9 (d) In the event an applicant fails to receive a
10 passing grade on examination, he may reapply for
11 examination within ninety (90) days.

12

13 **33-42-111. Initial exemption of active drillers and**
14 **installers; exemptions; operator's license.**

15

16 Any person otherwise qualified who has been actively
17 engaged in the business of a water well drilling contractor
18 or water well pump installer for a period of five (5) years
19 prior to the effective date of this act as documented by
20 evidence satisfactory to the board which may include three
21 (3) written affidavits from three (3) individuals competent
22 to attest to the applicant's professional work experience
23 shall have not to exceed two (2) years from the effective
24 date of this act to comply with the provisions of this act.

1

2 **33-42-112. Denial, revocation or suspension of**
3 **license; hearing.**

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5 (a) The board may withhold, deny, revoke or suspend
6 any license issued or applied for in accordance with the
7 provisions of this act upon proof that the licensee or
8 applicant:

9

10 (i) Has used fraud or deception in applying for
11 a license or in the taking of the examination;

12

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

18

19 (iii) Has failed while engaging in the business
20 of water well construction contracting or water well pump
21 installation contracting to comply with the state water
22 well minimum construction standards.

23

1 (b) No license may be suspended or revoked unless
2 there has been a hearing in conformity with the provisions
3 of the Wyoming Administrative Procedure Act.

4

5 **33-42-113. Exclusions.**

6

7 Nothing in this act shall be construed to require licensing
8 of any person operating drilling equipment or conducting
9 other drilling operations for oil or other minerals,
10 regardless of whether the well produces water.

11

12 **33-42-114. Violation and penalties.**

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

19

20 **Section 2.** Of the interfund loan monies authorized
21 under W.S. 9-1-417, the state auditor shall borrow not to
22 exceed one hundred thousand dollars (\$100,000.00) to be
23 deposited into the account created by W.S. 33-42-105(d).
24 The account shall be used to fund the purposes specified in

1 this act. Monies generated under this act shall first be
2 used to repay any monies loaned to the account including
3 interest on the loan which shall accrue at a rate equal to
4 that received by the state treasurer on pooled investments
5 during the twelve (12) months preceding the month in which
6 the loan was made. After such time, the money shall be
7 deposited pursuant to W.S. 33-42-105(d). The state
8 engineer is authorized one (1) full-time position for the
9 purposes of this act.

10

11 **Section 3.** This act is effective July 1, 2003.

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13

(END)