

WORKING DRAFT

HOUSE BILL NO. _____

Water well drilling and pump installation licensure.

Sponsored by: Joint Agriculture, Public Lands and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to water well drilling contractors and
2 water well pump installation contractors; providing for
3 licensure; providing certain exemptions; creating an
4 examining board; establishing licensing procedures;
5 providing for fees; providing for examinations and
6 continuing education; providing for reciprocity; providing
7 for license revocation or suspension; granting rulemaking
8 authority; providing penalties; providing a sunset for
9 certain provisions; authorizing additional positions;
10 providing an appropriation; and providing for an effective
11 date.

12

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

14

1 **Section 1.** W.S. 33-42-112 through 33-42-116 are
2 created to read:

3

4 **33-42-112. Exemptions.**

5

6 (a) Upon submitting satisfactory evidence to the
7 board, any person who has been actively engaged as a water
8 well drilling contractor or a water well pump installer for
9 the five (5) years prior to July 1, 2008, shall be exempt
10 from licensure requirements pursuant to W.S. 33-42-103
11 until June 30, 2008, except for payment of all applicable
12 fees. Satisfactory evidence may include written affidavits
13 from three (3) individuals competent to attest to the
14 applicant's professional work experience.

15

16 (b) Any water well drilling contractor or water well
17 pump installation contractor certified pursuant to W.S.
18 33-42-101 through 33-42-111 prior to July 1, 2008, shall be
19 exempt from licensure requirements pursuant to W.S.
20 33-42-103 until June 30, 2008, except for the payment of
21 all applicable fees.

22

23 (c) Any active or certified water well drilling
24 contractor or water well pump installation contractor shall

1 have until June 30, 2009 to be licensed without the
2 examination requirement pursuant to W.S. 33-42-110. All
3 applicants shall be required to pay all applicable fees.

4

5 (d) If a water well drilling contractor or pump
6 installation contractor is not licensed by July 1, 2008, he
7 shall comply with all the requirements of W.S. 33-42-108,
8 including taking and passing the examination.

9

10 (e) Subsections (a) through (d) of this section are
11 repealed July 1, 2009.

12

13 **33-42-113. License renewal.**

14

15 (a) In order to be eligible to renew a license, a
16 licensed water well drilling contractor or water well pump
17 installation contractor shall:

18

19 (i) Complete at least the minimum number of
20 professional competence hours, as established by the board;

21

22 (ii) Submit payment of all applicable fees; and

23

24 (iii) Remain in good standing with the board.

1

2

33-42-114. Reciprocity.

3

4 If a person holding a license entitling him to drill water
5 wells or install pumping equipment in another state applies
6 for a Wyoming water well drilling contractor's or water
7 well pump installation contractor's license, if the board
8 determines the standards and requirements of the state in
9 which the applicant is licensed are equal to or exceed the
10 standards or requirements of this act, the board may waive
11 the examination requirements except the applicant shall
12 successfully complete an examination based on Wyoming
13 statutes and rules relating to the drilling of water wells
14 or installation of pump equipment. The applicant shall
15 also pay all applicable fees.

16

17

33-42-115. Complaints and investigations.

18

19 If any information concerning a possible violation of this
20 act or rules and regulations applicable to water well
21 drilling or pump installation is received or obtained by a
22 board member or the state engineer's office, the board may,
23 on its own motion, initiate proceedings under this act and

1 in accordance with the Wyoming Administrative Procedure
2 Act.

3

4 **33-42-116. Penalties.**

5

6 A violation of any provision of this act is a misdemeanor
7 punishable by a fine of not more than one thousand dollars
8 (\$1,000.00), imprisonment for not more than six (6) months,
9 or both.

10

11 **Section 2.** W.S. 33-42-102(a)(vi), 33-42-103,
12 33-42-104(c), 33-42-107(a)(iii), (v) and (vi),
13 33-42-108(a)(intro) and (iii), 33-42-109 and 33-42-110,
14 33-42-111(a)(intro), (i) and (b) are amended to read:

15

16 **33-42-102. Definitions.**

17

18 (a) As used in this act:

19

20 (vi) "This act" means W.S. 33-42-101 through
21 ~~33-42-111~~33-42-116.

22

23 **33-42-103. License; rulemaking.**

24

1 (a) It is unlawful for any person to use in
2 connection with his name or to advertise any title or
3 description tending to convey the impression that he is a
4 ~~certified~~ licensed water well drilling contractor or water
5 well pump installation contractor unless he has been
6 ~~certified~~ licensed under this act.

7
8 (b) The drilling, construction or completion of water
9 wells, including the installation of pumping equipment,
10 shall be considered a business activity affecting the
11 public interest and requires reasonable standards of
12 competence.

13
14 (c) The licensing of water well drilling contractors
15 and the licensing of water well pump installation
16 contractors are separate and distinct activities.
17 Licensing requirements shall be specific to each profession
18 and shall be addressed in rules and regulations.

19
20 (d) A licensed water well drilling contractor or
21 water well pump installation contractor shall be physically
22 present at the water well drilling or water well pump
23 installation site.

1

2 (e) Nothing in this section shall be construed to
3 require licensure of any person operating drilling
4 equipment or conducting other drilling or boring operations
5 for purposes where a permit from the state engineer to
6 appropriate ground water is not required.

7

8 (f) It shall be unlawful for any water well drilling
9 contractor or water well pump installation contractor to
10 construct, alter or rehabilitate a water well or install
11 pumping equipment in a water well without a license as
12 provided by this act.

13

14 **33-42-104. Board of examining water well drilling**
15 **contractors and water well pump installation contractors**
16 **created; composition; appointment; terms; vacancies;**
17 **qualification; compensation.**

18

19 (c) Each member of the board appointed by the
20 governor shall have been a resident of this state for at
21 least one (1) year at the time of his appointment. Each
22 contractor board member shall have been engaged in the
23 practice of his profession for at least five (5) years
24 prior to his appointment. After the appointment of the

1 initial board, any water well drilling contractor or water
2 well pump installation contractor appointed to the board
3 shall be ~~certified~~licensed within six (6) months after
4 appointment.

5

6 **33-42-107. Duties of the board.**

7

8 (a) The board shall:

9

10 (iii) Examine the qualifications of anyone
11 desiring to obtain a ~~certification~~license to engage in the
12 business of water well drilling or the business of water
13 well pump installing within the state;

14

15 (v) Conduct hearings upon complaints with
16 respect to any person ~~certified~~licensed under this act in
17 conformity with the Wyoming Administrative Procedure
18 Act. The hearing shall be held in the county where the
19 complaint originated; and

20

21 (vi) Establish continuing education for persons
22 ~~certified~~licensed to maintain knowledge of current
23 industry standards. However, the board shall not impose

1 continuing education requirements for any person which
2 exceed eighteen (18) hours in any three (3) year period.

3

4 **33-42-108. Licensure in general; qualifications of**
5 **applicant; operator's license.**

6

7 (a) The board shall issue a ~~certificate~~license to an
8 applicant who:

9

10 (iii) Has paid the required ~~fee~~fees; and

11

12 **33-42-109. Fees; renewal; renewal of lapsed licenses.**

13

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

16

17 (i) Application fees;

18

19 ~~(i)~~(iii) Examination and reexamination of
20 ~~certification~~license applicants;

21

22 (iv) Renewal fees; and

23

1 (v) Miscellaneous fees, including rosters,
2 annual reports, address labels, copying fees and
3 replacement licenses.

4
5 (b) License fees shall not exceed two hundred dollars
6 (\$200.00). Renewal fees shall not exceed two hundred
7 dollars (\$200.00) for a three (3) year period thereafter.

8
9 (c) The initial license shall be for a period not to
10 exceed three (3) years and shall expire on the third
11 December 31 after receiving the initial license. Each
12 subsequent license shall be valid for three (3) calendar
13 years and shall expire on December 31 of the third year.

14
15 (d) If a licensed water well drilling contractor or
16 water well pump installation contractor does not submit a
17 license renewal prior to the December 31 expiration date or
18 does not remit the renewal fees, the license shall be
19 suspended. The contractor shall have a thirty-one (31) day
20 grace period to renew the suspended license. If the
21 license has not been renewed by February 1 of the new
22 license period, the license shall be revoked. Once a
23 license has been revoked, it shall not be eligible for

1 reinstatement until the applicant has met all the
2 requirements of W.S. 33-42-108.

3

4 (e) Paragraph (a)(ii) of this section is repealed
5 July 1, 2008.

6

7 **33-42-110. Examination; notification; reexamination.**

8

9 (a) An applicant for a license shall demonstrate
10 professional competence by passing a written or oral
11 examination prescribed by the board.

12

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

16

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

24

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

8
9 ~~(d)~~(e) 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 (f) The board may contract with examination
14 development consultants, water well technical experts,
15 water pump installation technical experts or other
16 technical experts as deemed necessary to prepare the
17 examinations and may assign a member or members of the
18 board to work with the consultants and technical experts to
19 assure compliance with the requirements of this act.

20
21 **33-42-111. Denial, revocation or suspension of**
22 **license; hearing.**

23

1 (a) The board may withhold, deny, revoke or suspend
2 any ~~certificate~~license issued or applied for in accordance
3 with the provisions of this act upon proof that the
4 ~~certificate~~license holder or applicant:

5
6 (i) Has used fraud or deception in applying for
7 a ~~certificate~~license or in the taking of the examination;

8
9 (b) No ~~certificate~~license may be suspended or
10 revoked unless there has been a hearing in conformity with
11 the provisions of the Wyoming Administrative Procedure Act.

12
13 **Section 3.** W.S. 33-42-108(c) and (d) are repealed.

14
15 **Section 4.**

16
17 (a) There is appropriated from the general fund to
18 the state engineer's office one hundred seventy-nine
19 thousand five hundred dollars (\$179,500.00) for the purpose
20 of implementing this act as follows:

21
22 (i) The following additional positions are
23 authorized for the state engineer's office for the purposes
24 of implementing this act:

1

2 (A) One (1) position shall serve as
3 administrative staff to the state board of examining water
4 well drilling contractors and water well pump installation
5 contractors. There is appropriated from the general fund
6 to the state engineer's office forty eight thousand five
7 hundred dollars (\$48,500.00) to fund this position for the
8 period beginning with the effective date of this act and
9 ending June 30, 2008. A request of ninety-seven thousand
10 dollars (\$97,000.00) from the general fund shall be
11 included in the state engineer's 2009-2010 biennium
12 standard budget request for the purpose of continued
13 funding of this position.

14

15 (B) One (1) position shall be a full-time
16 field inspector. There is appropriated from the general
17 fund to the state engineer's office eight-one thousand
18 dollars (\$81,000.00) to fund this position for the period
19 beginning with the effective date of this act and ending
20 June 30, 2008. A request of one hundred sixty-two thousand
21 dollars (\$162,000.00) from the general fund shall be
22 included in the state engineer's 2009-2010 biennium
23 standard budget request for the purpose of continued
24 funding of this position.

1

2 (C) There is appropriated twenty-five
3 thousand dollars (\$25,000.00) from the general fund to the
4 state engineer's office for the purpose of funding an
5 independent contractor position. The independent
6 contractor shall serve at the discretion of the state board
7 of examining water well drilling contractors and water well
8 pump installation contractors and shall investigate
9 complaints against water well drilling contractors and
10 water well pump installation contractors;

11

12 (D) There is appropriated twenty-five
13 thousand dollars (\$25,000.00) from the general fund to the
14 state engineer's office for the purpose of funding office
15 expenses related to the positions authorized by this
16 section, including office supplies, furniture, postage,
17 phone, copies and facsimiles.

18

19 **Section 5.** This act is effective July 1, 2007.

20

21

(END)