

HOUSE BILL NO. HB0136

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; amending definitions; providing certain
4 exemptions; creating an examining board; establishing
5 licensing procedures; providing for fees; providing for
6 examinations and continuing education; providing for
7 reciprocity; providing for license revocation or
8 suspension; granting rulemaking authority; providing
9 penalties; providing a sunset for certain provisions;
10 authorizing additional positions; providing appropriations;
11 and providing for an effective date.

12

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

14

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

1

2 **33-42-112. Exemptions.**

3

4 (a) Upon submitting satisfactory evidence to the
5 board, any person who has been actively engaged as a water
6 well drilling contractor or a water well pump installer in
7 the state of Wyoming for the five (5) years prior to July
8 1, 2008, shall be exempt from licensure requirements
9 pursuant to W.S. 33-42-103 until June 30, 2009, except for
10 payment of all applicable fees. Satisfactory evidence may
11 include written affidavits from three (3) individuals
12 competent to attest to the applicant's professional work
13 experience.

14

15 (b) Any water well drilling contractor or water well
16 pump installation contractor certified pursuant to W.S.
17 33-42-101 through 33-42-111 prior to July 1, 2009, shall be
18 exempt from licensure requirements pursuant to W.S.
19 33-42-103 until June 30, 2009, except for the payment of
20 all applicable fees.

21

22 (c) Any active or certified water well drilling
23 contractor or water well pump installation contractor shall
24 have until June 30, 2009 to be licensed without the

1 examination requirement pursuant to W.S. 33-42-110. All
2 applicants shall be required to pay all applicable fees.

3

4 (d) If a water well drilling contractor or pump
5 installation contractor is not licensed by July 1, 2009, he
6 shall comply with all the requirements of W.S. 33-42-108,
7 including taking and passing the examination.

8

9 (e) The licensure requirements of this chapter shall
10 not apply to any person drilling an oil or gas well or
11 installing a pump in an oil or gas well, where the oil or
12 gas well is permitted pursuant to W.S. 30-5-115.

13

14 (f) Subsections (a) through (d) of this section are
15 repealed July 1, 2009.

16

17 **33-42-113. License renewal.**

18

19 (a) In order to be eligible to renew a license, a
20 licensed water well drilling contractor or water well pump
21 installation contractor shall:

22

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

1

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

3

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

5

6 **33-42-114. Reciprocity.**

7

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

20

21 **33-42-115. Complaints and investigations.**

22

23 If any information concerning a possible violation of this
24 act or rules and regulations applicable to water well

1 drilling or pump installation is received or obtained by a
2 board member or the state engineer's office, the board may,
3 on its own motion, initiate proceedings under this act and
4 in accordance with the Wyoming Administrative Procedure
5 Act.

6
7 **33-42-116. Penalties.**

8
9 A violation of any provision of this act is a misdemeanor
10 punishable by a fine of not more than one thousand dollars
11 (\$1,000.00), imprisonment for not more than six (6) months,
12 or both.

13
14 **Section 2.** W.S. 33-42-102(a)(iii), (iv) and (vi),
15 33-42-103, 33-42-104(c), 33-42-107(a)(iii), (v) and (vi),
16 33-42-108(a)(intro) and (iii), 33-42-109, 33-42-110 and
17 33-42-111(a)(intro), (i) and (b) are amended to read:

18
19 **33-42-102. Definitions.**

20
21 (a) As used in this act:

22
23 (iii) "Water well drilling contractor" means any
24 person ~~responsible for or causing the construction,~~

1 ~~equipping, test pumping or development of any~~ licensed
2 pursuant to W.S. 33-42-103 to construct, equip, test pump
3 or develop a water well for compensation or otherwise as
4 provided by this act;

5
6 (iv) "Water well pump installation contractor"
7 means any person ~~who is in the business of installing~~
8 licensed pursuant to W.S. 33-42-103 to install pumping
9 equipment in water wells for compensation or otherwise as
10 provided by this act;

11
12 (vi) "This act" means W.S. 33-42-101 through
13 ~~33-42-111~~ 33-42-116.

14
15 **33-42-103. License; rulemaking.**

16
17 (a) It is unlawful for any person to use in
18 connection with his name or to advertise any title or
19 description tending to convey the impression that he is a
20 ~~certified~~ licensed water well drilling contractor or water
21 well pump installation contractor unless he has been
22 ~~certified~~ licensed under this act.

1 (b) The drilling, construction or completion of water
2 wells, including the installation of pumping equipment,
3 shall be considered a business activity affecting the
4 public interest and requires reasonable standards of
5 competence.

6
7 (c) The licensing of water well drilling contractors
8 and the licensing of water well pump installation
9 contractors are separate and distinct activities.
10 Licensing requirements shall be specific to each profession
11 and shall be addressed in rules and regulations.

12
13 (d) A copy of the license of a licensed water well
14 drilling licensee or water well pump installation licensee
15 overseeing the job and assuming liability for the water
16 well drilling or water well pump installation shall be
17 conspicuously posted at the water well drilling or water
18 well pump installation site.

19
20 (e) Nothing in this section shall be construed to
21 require licensure of any person operating drilling
22 equipment or conducting other drilling or boring operations
23 for purposes where a permit from the state engineer to
24 appropriate ground water is not required.

1

2 (f) It shall be unlawful for any water well drilling
3 contractor or water well pump installation contractor to
4 construct, alter or rehabilitate a water well or install
5 pumping equipment in a water well without a license as
6 provided by this act.

7

8 **33-42-104. Board of examining water well drilling**
9 **contractors and water well pump installation contractors**
10 **created; composition; appointment; terms; vacancies;**
11 **qualification; compensation.**

12

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

23

24 **33-42-107. Duties of the board.**

1

2 (a) The board shall:

3

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

8

9 (v) Conduct hearings upon complaints with
10 respect to any person ~~certified~~licensed under this act in
11 conformity with the Wyoming Administrative Procedure
12 Act. The hearing shall be held in the county where the
13 complaint originated; and

14

15 (vi) Establish continuing education for persons
16 ~~certified~~licensed to maintain knowledge of current
17 industry standards. However, the board shall not impose
18 continuing education requirements for any person which
19 exceed eighteen (18) hours in any three (3) year period.

20

21 **33-42-108. Licensure in general; qualifications of**
22 **applicant; operator's license.**

23

1 (a) The board shall issue a ~~certificate~~license to an
2 applicant who:

3
4 (iii) Has paid the required ~~fee~~fees; and

5
6 **33-42-109. Fees; renewal; renewal of lapsed licenses.**

7
8 (a) The board shall establish reasonable and
9 necessary fees pursuant to W.S. 33-1-201 for:

10
11 (i) Application fees;

12
13 ~~(i)~~(iii) Examination and reexamination of
14 ~~certification~~license applicants;

15
16 (iv) Renewal fees; and

17
18 (v) Miscellaneous fees, including rosters,
19 annual reports, address labels, copying fees and
20 replacement licenses.

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

1

2 (c) The initial license shall be for a period not to
3 exceed three (3) years and shall expire on the third
4 December 31 after receiving the initial license. Each
5 subsequent license shall be valid for three (3) calendar
6 years and shall expire on December 31 of the third year.

7

8 (d) If a licensed water well drilling contractor or
9 water well pump installation contractor does not submit a
10 license renewal prior to the December 31 expiration date or
11 does not remit the renewal fees, the license shall be
12 suspended. The contractor shall have a thirty-one (31) day
13 grace period to renew the suspended license. If the
14 license has not been renewed by February 1 of the new
15 license period, the license shall be revoked. Once a
16 license has been revoked, it shall not be eligible for
17 reinstatement until the applicant has met all the
18 requirements of W.S. 33-42-108.

19

20 (e) Paragraph (a)(ii) of this section is repealed
21 July 1, 2009.

22

23 **33-42-110. Examination; notification; reexamination.**

24

1 (a) An applicant for a license shall demonstrate
2 professional competence by passing a written or oral
3 examination prescribed by the board.

4
5 ~~(a)~~(b) An examination shall be given at least twice
6 annually. The examination shall be given at a location
7 designated by the board.

8
9 ~~(b)~~(c) The written or oral examination shall ~~consist~~
10 ~~of a written or oral examination testing~~ test the
11 applicant's general knowledge of the basics of well
12 construction ~~and state law or pump installation procedures,~~
13 Wyoming laws, rules, regulations and local ordinances
14 concerning the construction of water wells or installation
15 of water well pumps and pumping equipment.

16
17 ~~(c)~~(d) Not less than thirty (30) days prior to
18 examination the board shall notify each applicant that his
19 application and evidence submitted for ~~certification~~
20 licensing is satisfactory and accepted or unsatisfactory
21 and rejected. If rejected, the reasons for rejection shall
22 be given. The notice shall include the date and location
23 of the examination.

24

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

12
13 **33-42-111. Denial, revocation or suspension of**
14 **license; hearing.**

15
16 (a) The board may withhold, deny, revoke or suspend
17 any ~~certificate~~license issued or applied for in accordance
18 with the provisions of this act upon proof that the
19 ~~certificate~~license holder or applicant:

20
21 (i) Has used fraud or deception in applying for
22 a ~~certificate~~license or in the taking of the examination;

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

4

5 **Section 3.** W.S. 33-42-108(c) and (d) is repealed.

6

7 **Section 4.**

8

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

13

14 (i) The following additional positions are
15 authorized for the state engineer's office for the purposes
16 of implementing this act:

17

18 (A) One (1) position shall serve as
19 administrative staff to the state board of examining water
20 well drilling contractors and water well pump installation
21 contractors. There is appropriated from the general fund
22 to the state engineer's office forty eight thousand five
23 hundred dollars (\$48,500.00) to fund this position for the
24 period beginning with the effective date of this act and

1 ending June 30, 2008. A request of ninety-seven thousand
2 dollars (\$97,000.00) from the general fund shall be
3 included in the state engineer's 2009-2010 biennium
4 standard budget request for the purpose of continued
5 funding of this position.

6
7 (B) One (1) position shall be a full-time
8 field inspector. There is appropriated from the general
9 fund to the state engineer's office eighty-one thousand
10 dollars (\$81,000.00) to fund this position for the period
11 beginning with the effective date of this act and ending
12 June 30, 2008. A request of one hundred sixty-two thousand
13 dollars (\$162,000.00) from the general fund shall be
14 included in the state engineer's 2009-2010 biennium
15 standard budget request for the purpose of continued
16 funding of this position.

17
18 (C) There is appropriated twenty-five
19 thousand dollars (\$25,000.00) from the general fund to the
20 state engineer's office for the purpose of funding an
21 independent investigator. The independent investigator
22 shall serve at the discretion of the state board of
23 examining water well drilling contractors and water well
24 pump installation contractors and shall investigate

1 complaints against water well drilling contractors and
2 water well pump installation contractors;

3

4 (D) There is appropriated twenty-five
5 thousand dollars (\$25,000.00) from the general fund to the
6 state engineer's office for the purpose of funding office
7 expenses related to the positions authorized by this
8 section, including office supplies, furniture, postage,
9 phone, copies and facsimiles.

10

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

12

13 (END)