HOUSE BILL NO. 831

INTRODUCED BY HOLLIDAY, ECK, GALT, IVERSON

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

IN THE HOUSE

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FEBRUARY 18, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
FEBRUARY 20, 1987	COMMITTEE RECOMMEND BILL DO NOT PASS. REPORT ADOPTED.
FEBRUARY 21, 1987	ON MOTION, ADVERSE COMMITTEE REPORT REJECTED, BILL PRINTED AND PLACED ON SECOND READING.
	PRINTING REPORT.
FEBRUARY 23, 1987	SECOND READING, DO PASS AS AMENDED.
	STATEMENT OF INTENT ADOPTED.
FEBRUARY 24, 1987	ENGROSSING REPORT.
FEBRUARY 25, 1987	THIRD READING, PASSED. AYES, 89; NOES, 6.
	TRANSMITTED TO SENATE.
IN	THE SENATE
MARCH 2, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
MARCH 19, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 23, 1987	SECOND READING, CONCURRED IN.
MARCH 25, 1987	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1987 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS

CONCURRED IN.

APRIL 9, 1987 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

Montana Legislative Council

1	House BILL NO. 831
2	INTRODUCED BY Hollifay Eds Flat
3	BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES
4	AND CONSERVATION
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING LAWS RELATING
7	TO THE BOARD OF WATER WELL CONTRACTORS; INCREASING THE
8	COMPENSATION FOR BOARD MEMBERS TO \$50 A DAY; ALLOWING FOR
9	LICENSING OF MONITORING WELL CONSTRUCTORS AND WATER WELL

PUMP INSTALLERS: REQUIRING BONDS FOR MONITORING

CONSTRUCTORS AND WATER WELL PUMP INSTALLERS: AMENDING

SECTIONS 37-43-101, 37-43-102, 37-43-201 THROUGH 37-43-203,

37-43-301 THROUGH 37-43-303, 37-43-305 THROUGH 37-43-308.

37-43-312, 37-43-401, AND 37-43-402, MCA; REPEALING SECTION

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

37-43-304, MCA: AND PROVIDING AN EFFECTIVE DATE."

Section 1. Section 37-43-101, MCA, is amended to read: "37-43-101. Purpose. It is the purpose of this chapter to reduce and minimize the waste and contamination of groundwater resources within this state by reasonable regulation and licensing of drillers or makers of water wells in-this-state and monitoring wells and installers of pumping equipment and to protect the health and general welfare by providing a means for the development of the

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natural resource of underground water in an orderly, sanitary, and reasonable manner. The reasonable regulation and licensing of drillers or makers of water wells and 3 monitoring wells and installers of pumping equipment is in the' best interest of the public, and the waste and 5 contamination of groundwater resources through inefficient incompetent operations of drillers or makers of water s and monitoring wells and installers of pumping pment is prohibited. For the protection of the public for the conservation of underground water resources, it necessary that standards be set and maintained to insure competency in the drilling and making of water wells monitoring wells and installation of pumping equipment his state is obtained." Section 2. Section 37-43-102, MCA, is amended to read: "37-43-102. Definitions. Unless the context requires rwise, in this chapter the following definitions apply: (1) "Apprentice water well driller" means an vidual who is learning the trade of water well drilling performs labor and services for a licensed water well ractor and whose duties are directly related to well drilling or drilling rig operation. $(\pm)(2)$ "Board" means the board 23 of water contractors provided for in 2-15-3307. 24

(2)(3) "Department" means the department of natural

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- resources and conservation provided for in Title 2. chapter 2 15, part 33.
- 3 (4) "Monitoring well" means a well that is used for monitoring groundwater quality or flow direction but is not used for withdrawing groundwater for purposes other than 5 water quality sampling or pump testing. 6
- 7 (5) "Monitoring well constructor" means a natural 8 person who drills or supervises the drilling of monitoring 9 wells.
- 10 (6) "Pumping equipment" means a pump or other device 11 used or intended for use in withdrawing or obtaining 12 groundwater from a well, including but not limited to well 13 seals and other safeguards to protect groundwater from 14 contamination.
- 15 (7) "Pump installer" means a person who installs or 16 repairs pumping equipment for compensation.

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(3)(8) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or and intended for the location, otherwise constructed artificial recharge, or acquisition diversion, groundwater. The term does not include spring development or excavations, by backhoe or otherwise, for recovery and use of surface waters or for the purpose of stock watering or irrigation where the depth is 25 feet or less. The term does not include an excavation made for the purpose of obtaining

- or prospecting for oil, natural gas, minerals, or products 1 of mining or quarrying or for inserting media to repressure 2 oil- or natural-gas-bearing formations or for storing 3 petroleum, natural gas, or other products.
- +4+(9) "Water well contractor" or "contractor" means a 5 natural person who contracts on behalf of a firm, corporation, partnership, or other business entity to 7 construct, alter, or rehabilitate a water well on lands 8 other than his own for compensation.
- (5)(10) "Water well driller" or "driller" means any 10 person, other than an apprentice, at a drilling site causing 11 a water well to be drilled, altered, or rehabilitated." 12
 - Section 3. Section 37-43-201, MCA, is amended to read: "37-43-201. Seal Organization -- seal -- compensation of members. (1) The board shall annually elect a chairman and vice-chairman.
- $t \pm \frac{1}{2}(2)$ The board shall have a seal with the words 17 engraved thereon, "Board of Water Well Contractors", and 18 such seal shall be affixed to all writs, authentication of 19 records, and other official proceedings of the board. The 20 courts of this state shall take judicial notice of such 21 22 seal.
 - (2)(3) Each appointed member of the board who is not a government employee shall receive as compensation for his services the sum of \$20 \$50 per day for each day actually

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appropriate standards.

- engaged in the performance of the duties of his office, 1 including time of travel between his home and the places at which he shall perform such duties, together with mileage 3 and per diem expenses as provided for in 2-18-501 through 4 2-18-503. The state-engineery-the-director-of--environmental 5 sanitation--of--the-state-board-of-healthy-and-other members who are employees of the state of Montana shall receive no 7 extra compensation for their services as members of the 9 board."
- Section 4. Section 37-43-202, MCA, is amended to read: 10 "37-43-202. Powers and duties. (1) The board may 11 exercise the authority granted to it by this chapter. 12

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- (2) The board shall adopt rules and orders to effectuate this chapter.
- (3) The board shall adopt rules to establish mandatory water well construction standards and enforcement procedures by--January--17--1987. The standards must address the protection of the drilling site; specifications for casing materials; materials and specifications for well screens; casing perforations; well development procedures; proper sealing and grouting; temporary capping; cleaning and disinfecting; bonds; quaranties; contractors' and drillers' qualifications; tests for yield and drawdown; reporting procedures and requirements for water quality, well logs, location of wells, and information relating to local

- 1 conditions; well filters; access ports; gravel packing; sampling methods; plumbness and alignment of the hole and 2 casing; well abandonment procedures; and other necessary and 3
- 5 (4) The board shall adopt rules regarding installation of pumping equipment by January 1, 1989.
- (5) The board shall adopt rules regarding the 7 8 construction, use, and abandonment of monitoring wells by January 1, 1989. 9
- 10 (4)(6) The board may request the department to inspect water wells drilled or being drilled, and the department has 11 access to these at reasonable times. 12
- (5)(7) The board may establish a program for training 13 apprentices and licensed or prospective water well 14 contractors, water well drillers, monitoring well 15 16 constructors, and pump installers or-prospective-water--well 17 drillers -- and apprentices to more effectively carry out this 18 chapter.
- 19 (6) (8) The board shall set and enforce standards and rules governing the licensing, registration, and conduct of 20 water well drillers, and water well contractors, monitoring 21 well constructors, and pump installers. 22
- t7+(9) The board shall set fees commensurate with 23 costs. The board may establish fees, including but not 24 limited to fees for application, examination, renewal,

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- reciprocity, late renewal, and continuing education. Board costs not related to specific programs may be equitably distributed as determined by the board. The board shall maintain records sufficient to support the fees charged for each program area.
- (8)(10) The rules of the board shall be compiled in printed form for distribution to interested persons, for which the department may charge a fee. Sums realized from these sales shall be deposited in the state special revenue fund for the use of the board.

11 (9)(11) The board shall:

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- 12 (a) authorize the department to issue licenses to
 13 qualified water well contractors, and water well drillers,
 14 monitoring well constructors, and pump installers in this
 15 state:
- 16 (b) cause examinations to be made of applicants for 17 licenses;
- 18 (c) deny, revoke, or suspend licenses for good cause,19 after notice and opportunity to be heard;
- 20 (d) reinstate licenses previously revoked when21 justification is shown to the satisfaction of the board; and
- 22 (e) generally perform duties which will carry out this 23 chapter.
- 24 fi0; (12) The board shall pay to the department its
 25 share of the assessed costs of the department in

- 1 administering this chapter."
- Section 5. Section 37-43-203, MCA, is amended to read:
- 3 "37-43-203. Disciplinary authority -- injunctions. (1)
- 4 The board may adopt rules specifying grounds fo
- 5 disciplinary action and rules providing for:
 - (a) revocation of a license;
- 7 (b) suspension of its judgment of revocation on terms8 and conditions determined by the board;
- 9 (c) suspension of the right to practice for a period
- 10 not exceeding 1 year;

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- 11 (d) placing a licensee on probation;
 - (e) reprimand or censure of a licensee; or
- 13 (f) taking any other action in relation to 14 disciplining a licensee as the board in its discretion
- 15 considers proper.
- 16 (2) Any disciplinary action by the board must be 17 conducted as a contested case hearing under the provisions 18 of the Montana Administrative Procedure Act.
- 19 (3) A The board may maintain an action to enjoin a 20 person from engaging in the drilling, making, or
- 21 construction of water wells or monitoring wells or
- 22 installing pumping equipment until a license to practice is
- 23 procured. A person who has been enjoined and who violates
- 24 the injunction is punishable for contempt of court."
- 25 Section 6. Section 37-43-301, MCA, is amended to read:

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"37-43-301. Licensed contractor person to supervise all construction. (1) Any firm, corporation, or partnership may engage in the business of constructing water wells provided a licensed water well contractor is placed in charge of all water well construction.

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- 6 (2) Any firm, corporation, or partnership may engage 7 in the business of installing pumping equipment provided a 8 licensed pump installer is in charge of installing the 9 pumping equipment.
- 10 (3) The licensed water well contractor must be the 11 individual who contracts on behalf of the firm, corporation, 12 or partnership.
- (4) A licensed water well driller, pursuant to 13 14 37-43-305, must be employed by a licensed water well 15 contractor."
 - Section 7. Section 37-43-302, MCA, is amended to read: "37-43-302. License required. (1) The drilling. making, or construction of water wells into-the-groundwater resources -- of -- this -- state and monitoring wells and the installation of pumping equipment is declared to be a business and activity affecting the public interest, requiring reasonable standards of competence. Except as provided in subsection (2), it is unlawful for any water well contractor, or water well driller, monitoring well constructor, or pump installer, as defined in this chapter,

- 1 to construct, alter, or rehabilitate a water well or a
- monitoring well or to install pumping equipment without 2
- 3 first having obtained a valid license therefor as provided
- for in this chapter. An individual who is licensed as a
- water well contractor is not required to have a separate
- water well driller's license to perform the actual
- construction work on the well.
 - (2) A license is not required for:
- (a) a person who drills, alters, or rehabilitates a 9 10 water or monitoring well on land that is owned or leased by him, and provided: 11
- 12 (i) the land is used by him for farming, ranching, or agricultural purposes or as his residence; and 13
- 14 (ii) the person who obtains a permit from the board; 15 and
- 16 (iii) the construction of the well conforms to the minimum construction standards for water or monitoring wells 17
- and installation of pumping equipment set by board rule; or 18
- (b) a--person an apprentice water well driller who performs labor or services for a licensed water well 20
- contractor or driller in connection with the drilling of a 21
- water well at the direction and under the personal
- supervision of a licensed water well contractor or driller:: 23
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25 (c) a well owner who installs his own pumping

- equipment in a well used by him on land he owns or leases,
 provided:
- 3 (i) the land is used by the well owner for farming,
 4 ranching, or agricultural purposes or as the well owner's
 5 residence;
- 6 (ii) the well owner obtains a permit from the board;
 7 and
- 8 (iii) the pump installation conforms to the minimum
 9 pumping equipment installation standards set by board rule.
- 10 (3) (a) To obtain a permit under subsection (2)(a) or (2)(c), a person shall file with the department an 11 12 application containing the applicant's name, mailing 13 address, the location of the proposed well, the nature of 14 the applicant's ownership interest in the property on which 15 the well is to be drilled located, the construction or installation method to be used, and the use for the proposed 16 17 well.
- 18 (b) The board shall promptly issue a permit if it 19 finds that:
- 20 <u>(i)</u> the applicant-intends-to-drill-the well <u>is located</u>
 21 on land that <u>he the applicant</u> owns or leases and that he
 22 uses for farming, ranching, or agricultural purposes or as
 23 his residence; <u>and</u>
- 24 (ii) the construction or installation method to be used 25 meets the minimum standards for water wells or pumping

equipment set by board rule."

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- Section 8. Section 37-43-303, MCA, is amended to read: 2 "37-43-303. Application -- fee. (1) Except as provided 3 in 37-43-302(2), a person desiring to engage in making, or construction, alteration, or 5 drilling, rehabilitation of one or more water or monitoring wells for underground water or the installation of pumping equipment 7 in water wells in this state shall first file an application with the department for a contractor's-or-driller's license, 9 setting--out--his. The application must set forth the 10 applicant's qualifications, the equipment proposed to be 11 used in the contracting, and other matters required by the 12 board on forms adopted by the board. 13
 - (2) The department shall charge a fee prescribed by the board for filing the <u>an</u> application of—a—person. The application shall not be acted on until the fee has been paid. Fees collected under this section shall be deposited in the state special revenue fund for the use of the board.
- shall be issued to an applicant if, in the opinion of the board, the applicant is qualified to conduct water well or monitoring well construction operations or pumping equipment installation. In the granting of licenses, the board shall have due regard for the interest of this state in the

1	Section 9. Section 37-43-305, MCA, is amended to read:
2	*37-43-305. Examination and qualifications. (1) Under
3	board rules pertaining to the business of drilling and
4	contracting for drilling of water wells which-the-board
5	adopts and monitoring wells and the business of pump
6	installation, the department shall inquire by examination or
7	otherwise into the qualifications of applicants for licenses
8	todrillormakewells-for-the-production-of-underground
9	waters-in-this-state. Examinations may be oral, written, or
10	both.

11 (2) The qualifications required-by--the--board for a

12 water well contractor's license are:

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- (a) familiar knowledge of groundwater laws of this state and sanitary standards for water well drilling and construction of water wells;
 - (b) knowledge of types of water well construction;
- 17 (c) knowledge of types of drilling tools and their
 18 uses;
- 19 (d) knowledge of underground geology in its relation
 20 to well construction;
- 21 (e) possession of adequate equipment by the applicant 22 to complete satisfactory water wells under the standards of 23 the board;
 - (f) financial responsibility of the applicant;
- 25 (g) successful completion of an examination given by

- 1 the department; and
- 2 (h) the applicant must have completed a minimum of -1

 3 year completion of an apprenticeship of 1 year or more under

 4 the direct supervision of a licensed water well contractor.
- 5 (3) The qualifications for a water well driller's 6 license are:
- 7 (a) familiar knowledge of groundwater laws of this 8 state and sanitary standards for water well drilling and 9 water well construction;
- (b) knowledge of types of water well construction;
- 11 (c) knowledge of types of drilling tools and their
- 12 uses;
- 13 (d) knowledge of geology in its relation to well
- 14 construction;
- 15 (e) employment by a licensed water well contractor;
- 16 (f) completion of an apprenticeship of 1 year or more
- 17 under the direct supervision of a licensed water well
- 18 contractor or driller; and
- 19 (g) successful completion of an examination given by
- 20 the department.
- 21 (4) The qualifications for a pump installer's license
- 22 are:
- 23 (a) familiar knowledge of groundwater laws of this
- 24 state and sanitary standards for pump installation;
- 25 (b) knowledge of construction, installation, and

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department.

1	repair of water well pumps, water pressure storage tanks,
2	connecting piping, and related appurtenances;
3	(c) possession of adequate equipment by the applicant
4	to properly install pumping equipment;
5	(d) financial responsibility of the applicant;
6	(e) 1 or more years of experience under the direct
7	supervision of a licensed pump installer or licensed water
8	well contractor; and
9	(f) successful completion of an examination given by
10	the department.
11	(5) The qualifications for a license to construct
12	monitoring wells are:
13	(a) familiar knowledge of groundwater laws of this
14	state and sanitary standards for drilling and construction
15	of monitoring wells;
16	(b) knowledge of types of monitoring well
17	construction;
18	(c) knowledge of types of drilling tools used for
19	monitoring wells and their uses;
20	<pre>(d) knowledge of geology;</pre>
21	(e) financial responsibility of the applicant;
22	(f) 1 or more years of experience in drilling
23	monitoring wells under the direct supervision of a licensed
24	monitoring well constructor; and
25	(g) successful completion of an examination related

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+2+(6) The department shall give examinations at times
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     and places the board determines. Pailure of an applicant to
     successfully complete the examination disqualifies him from
     making further application for a period of 3 months. The
     board shall act within a reasonable time on applications for
     licenses. An application shall be accompanied by the initial
     fee, and failure to successfully meet the requirements of
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     the board does not entitle the applicant to a refund of the
     fee."
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          Section 10. Section 37-43-306, MCA, is amended to
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     read:
          "37-43-306. Bond to be required. (1) The department,
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     on issuance of a contractor's water well contractor's,
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     monitoring well constructer's, or pump installer's license
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     under this chapter, shall require, before the person
     commences operations in this state, a good and sufficient
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     surety bond or in--lieu--thereof its equivalent in a
     certificate of deposit, cashier's check, bank draft, or
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     certified check, to be approved by the board, in the penal
     sum of $4,000, conditioned that the licensee will comply
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     with the rules of the board.
          (2) A person who is licensed in more than one category
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specifically to drilling of monitoring wells given by the

need supply only one surety bond or its equivalent in a

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certificate of deposit, cashier's check, bank draft, or certified check, to be approved by the board, for \$4,000."

Section 11. Section 37-43-307, MCA, is amended to read:

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- "37-43-307. Annual renewal -- fee -- revocation for nonrenewal. (1) The term for licenses issued under this chapter is from July 1 of each year through the following June 30. After the payment of the initial fee under 37-43-303, a licensee shall pay, before the first day of each license year, a renewal fee as prescribed by the board.
- each license year, a renewal fee as prescribed by the board. (2) If a licensee does not apply for renewal of his license before the first day of a license year and remit to the department the renewal fee, he shall have his license suspended by the board. If the license remains suspended for a period of more than 30 days after the first day of a license year, it shall be revoked by the board. However, the department, prior to this revocation, shall notify the licensee of the board's intention to revoke at least 10 days prior to the time set for action to be taken by the board on the license, by mailing notice to the licensee at the address appearing for the licensee in the records and files of the department. A license once revoked may not be reinstated unless it appears that an injustice has occurred indicating to the board that the licensee was not guilty of negligence or laches. If a person whose license has been

- l revoked through his own fault desires to engage in the
- 2 business of water well drilling, monitoring well
 - construction, or pump installation in this state or
- 4 contracting therefor, he must apply under 37-43-303 and
- 5 37-43-304. Notice of suspension shall be given a licensee
- 6 when the suspension occurs."
- 7 Section 12. Section 37-43-308, MCA, is amended to 8 read:
- 9 "37-43-308. Reciprocity. If a person holding a license
- 10 entitling him to drill water wells or install pumping
- 11 equipment in another state applies for a Montana water well
- 12 contractor's, water well driller's, or pump installer's
- 13 license, the board may waive the apprenticeship requirements
- 14 and examination requirements if it finds that the standards
- 15 and requirements of the state in which the applicant is
- licensed are equal to or exceed those of Montana. However,
- 17 the board may require the applicant to successfully complete
- 18 an examination based on Montana statutes and rules relating
- 19 to the drilling of water wells and installation of pumping
- 20 equipment in this state."
- 21 Section 13. Section 37-43-312, MCA, is amended to
- 22 read:
- 23 "37-43-312. Penalty. Any person who shall willfully
- 24 violate any lawful rule or order of the board or who shall
- 25 engage in the business of drilling, or-making altering, or

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rehabilitating water wells or monitoring wells or installing pumping equipment without first having obtained a license as in this chapter required or who shall violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$500 or imprisonment in a county jail for a term not exceeding 6 months, or both. Any violation of this chapter shall be prosecuted by the county attorney in the county in which the violation occurred or is occurring, and the trial thereof shall be held in that county."

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11 Section 14. Section 37-43-401, MCA, is amended to read:

"37-43-401. No action or counterclaim to be maintained except by licensee. No action or counterclaim shall be maintained by any water well contractor, water well driller, monitoring well constructor, or pump installer in any court in this state with respect to any agreement, work, labor, or materials for which a license is required by this chapter or to recover the agreed price or any compensation under any such agreement or for any such work, labor, or materials for which a license is required by this chapter without alleging and proving that such water well contractor, water well driller, monitoring well constructor, or pump installer had a valid license at the time of making such agreement and of supplying such labor, work, or materials."

Section 15. Section 37-43-402, MCA, is amended to 1 2 read: "37-43-402. Completion of contracts by successor in 3 interest of licensed-contractor licensee. Upon the transfer by operation of law to the successor in interest of a water well contractor's, monitoring well constructor's, or pump installer's rights under a contract or agreement for the drilling, or making, or construction of a water well or wells, monitoring well or the installation of pumping equipment, the successor in interest to such 1.0 rights shall be permitted to engage in the business of 11 drilling, making, or construction of water wells or 12 monitoring wells or the installation of pumping equipment to 13 the extent necessary to perform the obligations of said 1.4 licensed-water-well-contractor licensee under such contract 15 or agreement, provided that such engagement in business 1.6 shall be under the supervision of a licensed water well 17 contractor, pump installer, or monitoring well constructor." 18

23 (a) successfully completes an examination for a pump 24 installer's license administered by the board;

a license if the applicant:

25 (b) submits evidence satisfactory to the board

NEW SECTION. Section 16. Initial licensure as a pump

installer. (1) An applicant who submits an application for a

pump installer's license before June 1, 1988, shall receive

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demonstrating that he was actively engaged in the business

- of installing pumping equipment or employed as a pump
- 3 installer for the 2 years immediately preceding July 1,
- 4 1987;

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- 5 (c) pays a fee established by the board pursuant to 6 37-43-303; and
 - (d) provides a bond in compliance with 37-43-306.
- 8 (2) An applicant who submits an application for a pump 9 installer's license after May 31, 1988, shall meet the 10 requirements of 37-43-303, 37-43-305, and 37-43-306.
- NEW SECTION. Section 17. Initial licensure as a monitoring well constructor. (1) An applicant who submits an application for a monitoring well constructor's license before June 1, 1988, shall receive a license if the applicant:
- 16 (a) is a licensed water well contractor or is engaged
 17 in installing monitoring wells;
 - (b) provides verification of 1 or more years' experience in drilling monitoring wells within the 4 years preceding the application;
- 21 (c) pays a fee established by the board under 22 37-43-303;
- 23 (d) successfully completes the examination for
 24 monitoring well installation; and
- 25 (e) provides a bond in compliance with 37-43-306.

- 1 (2) An applicant who applies for a monitoring well 2 constructor's license after May 31, 1988, shall meet the 3 requirements of 37-43-303, 37-43-305, and 37-43-306.
- NEW SECTION. Section 18. Licensed monitoring well constructor to supervise all construction of monitoring wells. (1) Any firm, corporation, or partnership may engage in the business of constructing or installing monitoring wells provided a licensed monitoring well constructor is in charge of all monitoring well installation.
- 10 (2) The licensed monitoring well constructor must be
 11 physically present at the site throughout the construction
 12 of the monitoring well.
- NEW SECTION. Section 19. Repealer. Section 37-43-304,
 MCA, is repealed.
- NEW SECTION. Section 20. Extension of authority. Any
 existing authority of the board of water well contractors to
 make rules on the subject of the provisions of this act is
 extended to the provisions of this act.
- NEW SECTION. Section 21. Codification instruction.

 Sections 16 through 18 are intended to be codified as an integral part of Title 37, chapter 43, part 4, and the
- provisions of Title 37, chapter 43, part 4, apply to
- 23 sections 16 through 18.
- NEW SECTION. Section 22. Effective date. This act is effective July 1, 1987.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB831, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill amends laws relating to the Board of Water Well Contractors; increases board member compensation to \$50 a day; allows for licensing of, and requires bonds for, monitoring well constructors and water well pump installers.

ASSUMPTIONS:

This proposed law does not set fees. The bill would give the Board of Water Well Contractors the authority to set fees for filing applications, taking exams, and obtaining license renewals for pump installers and monitoring well constructors. It is assumed that the Board will set these fees so that, when they are combined with other earmarked revenue, the total will adequately cover the estimated costs of \$48,000 in FY88 and \$43,400 in FY89 to operate the program.

FISCAL IMPACT:		FY88			FY89	
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Expenditures:						
Personal Services	\$ 30,000	\$ 30,000	\$ 0	\$ 30,000	\$ 30,000	\$ 0
Operating Expenses	10,000	18,200	8,200	10,000	12,950	<u>2,950</u>
TOTAL	\$ 40,000	\$ 48,200	\$ 8,200	\$ 40,000	\$ 42,950	\$ 2,950
					•	
Revenues:						
Water Well Special						
Revenue Account	\$ 30,000	\$ 48,200	\$ 18,200	\$ 30,000	\$ 42,950	\$ 12,950
General Fund	10,000	0	(10,000)	10,000	0	(10,000)
TOTAL	\$ 40,000	\$ 48,200	\$ 8,200	\$ 40,000	\$ 42,950	\$ 2,950

DAVID L. HUNTER, BODGET DIRECTOR

Office of Budget and Program Planning

Day Dolleday DATE

GAY MOLLIDAY, PRIMARY SPONSOR

Fiscal Note for HB831, as introduced.

HB 831

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LC 1230/01

RECOMMEND DO NOT PASS OBJECTION RAISED TO ADVERSE COMMITTEE REPORT ON MOTION, PRINTED AND PLACED ON SECOND READING

YAME BILL NO. INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES

AND CONSERVATION

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A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING LAWS RELATING TO THE BOARD OF WATER WELL CONTRACTORS; INCREASING THE COMPENSATION FOR BOARD MEMBERS TO \$50 A DAY; ALLOWING FOR LICENSING OF MONITORING WELL CONSTRUCTORS AND WATER WELL PUMP INSTALLERS; REQUIRING BONDS FOR MONITORING WELL CONSTRUCTORS AND WATER WELL PUMP INSTALLERS: AMENDING SECTIONS 37-43-101, 37-43-102, 37-43-201 THROUGH 37-43-203, 37-43-301 THROUGH 37-43-303, 37-43-305 THROUGH 37-43-308. 37-43-312, 37-43-401, AND 37-43-402, MCA; REPEALING SECTION 37-43-304, MCA; AND PROVIDING AN EFFECTIVE DATE."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-43-101, MCA, is amended to read: "37-43-101. Purpose. It is the purpose of this chapter to reduce and minimize the waste and contamination of groundwater resources within this state by reasonable regulation and licensing of drillers or makers of water wells in-this-state and monitoring wells and installers of pumping equipment and to protect the health and general welfare by providing a means for the development of the

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natural resource of underground water in an orderly. 1 2 sanitary, and reasonable manner. The reasonable regulation 3 and licensing of drillers or makers of water wells and monitoring wells and installers of pumping equipment is in 4 5 best interest of the public, and the waste and 6 contamination of groundwater resources through inefficient 7 or incompetent operations of drillers or makers of water 8 wells and monitoring wells and installers of pumping 9 equipment is prohibited. For the protection of the public 10 and for the conservation of underground water resources. it 11 is necessary that standards be set and maintained to insure 12 that competency in the drilling and making of water wells and monitoring wells and installation of pumping equipment 13 14 in this state is obtained."

Section 2. Section 37-43-102, MCA, is amended to read: "37-43-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply: (1) "Apprentice water well driller" individual who is learning the trade of water well drilling and performs labor and services for a licensed water well contractor and whose duties are directly related to well drilling or drilling rig operation.

23 (1)(2) "Board" means the board water well contractors provided for in 2-15-3307. 24

(2)(3) "Department" means the department of natural

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- resources and conservation provided for in Title 2, chapter

 15, part 33.
- 3 (4) "Monitoring well" means a well that is used for
 4 monitoring groundwater quality or flow direction but is not
 5 used for withdrawing groundwater for purposes other than
 6 water quality sampling or pump testing.
- (5) "Monitoring well constructor" means a natural person who drills or supervises the drilling of monitoring wells.

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- 10 (6) "Pumping equipment" means a pump or other device

 11 used or intended for use in withdrawing or obtaining

 12 groundwater from a well, including but not limited to well

 13 seals and other safeguards to protect groundwater from

 14 contamination.
- 15 (7) "Pump installer" means a person who installs or 16 repairs pumping equipment for compensation.
 - (3)(8) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of groundwater. The term does not include spring development or excavations, by backhoe or otherwise, for recovery and use of surface waters or for the purpose of stock watering or irrigation where the depth is 25 feet or less. The term does not include an excavation made for the purpose of obtaining

- or prospecting for oil, natural gas, minerals, or products
 of mining or quarrying or for inserting media to repressure
 oil- or natural-gas-bearing formations or for storing
 petroleum, natural gas, or other products.
- 5 (4)(9) "Water well contractor" or "contractor" means a
 6 natural person who contracts on behalf of a firm,
 7 corporation, partnership, or other business entity to
 8 construct, alter, or rehabilitate a water well on lands
 9 other than his own for compensation.
- 10 (5)(10) "Water well driller" or "driller" means any
 11 person, other than an apprentice, at a drilling site causing
 12 a water well to be drilled, altered, or rehabilitated."
- 13 Section 3. Section 37-43-201, MCA, is amended to read:
 14 "37-43-201. Seal Organization -- seal -- compensation
 15 of members. (1) The board shall annually elect a chairman
 16 and vice-chairman.
- 17 (±)(2) The board shall have a seal with the words
 18 engraved thereon, "Board of Water Well Contractors", and
 19 such seal shall be affixed to all writs, authentication of
 20 records, and other official proceedings of the board. The
 21 courts of this state shall take judicial notice of such
 22 seal.
- 23 (2)(3) Each appointed member of the board who is not a
 24 government employee shall receive as compensation for his
 25 services the sum of \$20 \$50 per day for each day actually

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- engaged in the performance of the duties of his office, 1 2 including time of travel between his home and the places at which he shall perform such duties, together with mileage 3 4 and per diem expenses as provided for in 2-18-501 through 5 2-18-503. The state-engineery-the-director-of--environmental 6 sanitation--of--the-state-board-of-healthy-and-other members 7 who are employees of the state of Montana shall receive no extra compensation for their services as members of the 8 board." 9
- Section 4. Section 37-43-202, MCA, is amended to read:

 "37-43-202. Powers and duties. (1) The board may
 exercise the authority granted to it by this chapter.
- 13 (2) The board shall adopt rules and orders to
 14 effectuate this chapter.

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water well construction standards and enforcement procedures by--danuary--1;--1987. The standards must address the protection of the drilling site; specifications for casing materials; materials and specifications for well screens; casing perforations; well development procedures; proper sealing and grouting; temporary capping; cleaning and disinfecting; bonds; guaranties; contractors' and drillers' qualifications; tests for yield and drawdown; reporting procedures and requirements for water quality, well logs, location of wells, and information relating to local

- conditions; well filters; access ports; gravel packing; sampling methods; plumbness and alignment of the hole and casing; well abandonment procedures; and other necessary and appropriate standards.
- (4) The board shall adopt rules regarding installation
 of pumping equipment by January 1, 1989.
- 7 (5) The board shall adopt rules regarding the 8 construction, use, and abandonment of monitoring wells by 9 January 1, 1989.
- 10 (4)(6) The board may request the department to inspect
 11 water wells drilled or being drilled, and the department has
 12 access to these at reasonable times.
- 13 (5)(7) The board may establish a program for training
 14 apprentices and licensed or prospective water well
 15 contractors, water well drillers, monitoring well
 16 constructors, and pump installers or prospective water well
 17 drillers and apprentices to more effectively carry out this
 18 chapter.
- 19 (6)(8) The board shall set and enforce standards and
 20 rules governing the licensing, registration, and conduct of
 21 water well drillers, and water well contractors, monitoring
 22 well constructors, and pump installers.
- 23 (7)(9) The board shall set fees commensurate with 24 costs. The board may establish fees, including but not 25 limited to fees for application, examination, renewal,

- reciprocity, late renewal, and continuing education. Board costs not related to specific programs may be equitably distributed as determined by the board. The board shall
- 4 maintain records sufficient to support the fees charged for
- each program area.
- 6 t8; (10) The rules of the board shall be compiled in
 7 printed form for distribution to interested persons, for
 8 which the department may charge a fee. Sums realized from
 9 these sales shall be deposited in the state special revenue
 10 fund for the use of the board.
- 11 $\{9\}(11)$ The board shall:
- 12 (a) authorize the department to issue licenses to
 13 qualified water well contractors, and water well drillers,
 14 monitoring well constructors, and pump installers in this
 15 state:
- 16 (b) cause examinations to be made of applicants for 17 licenses;
- 18 (c) deny, revoke, or suspend licenses for good cause,
 19 after notice and opportunity to be heard;
- 20 (d) reinstate licenses previously revoked when
 21 justification is shown to the satisfaction of the board; and
- (e) generally perform duties which will carry out thischapter.
- 24 (±0)(12) The board shall pay to the department its 25 share of the assessed costs of the department in

- 1 administering this chapter."
- Section 5. Section 37-43-203, MCA, is amended to read:
- 3 "37-43-203. Disciplinary authority -- injunctions. (1)
- 4 The board may adopt rules specifying grounds for
- 5 disciplinary action and rules providing for:
- 6 (a) revocation of a license;
- 7 (b) suspension of its judgment of revocation on terms 8 and conditions determined by the board;
- 9 (c) suspension of the right to practice for a period not exceeding 1 year;
- 11 (d) placing a licensee on probation;
- (e) reprimand or censure of a licensee; or
- 13 (f) taking any other action in relation to
 14 disciplining a licensee as the board in its discretion
 15 considers proper.
- 16 (2) Any disciplinary action by the board must be
 17 conducted as a contested case hearing under the provisions
 18 of the Montana Administrative Procedure Act.
- 19 (3) A The board may maintain an action to enjoin a
 20 person from engaging in the drilling, making, or
 21 construction of water wells or monitoring wells or
 22 installing pumping equipment until a license to practice is
 23 procured. A person who has been enjoined and who violates
- 24 the injunction is punishable for contempt of court."
- 25 Section 6. Section 37-43-301, MCA, is amended to read:

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"37-43-301. Licensed contractor person to supervise all construction. (1) Any firm, corporation, or partnership may engage in the business of constructing water wells provided a licensed water well contractor is placed in charge of all water well construction.

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- 6 (2) Any firm, corporation, or partnership may engage in the business of installing pumping equipment provided a 8 licensed pump installer is in charge of installing the pumping equipment. 9
- (3) The licensed water well contractor must be the 10 individual who contracts on behalf of the firm, corporation, 11 or partnership. 12
- (4) A licensed water well driller, pursuant to 13 37-43-305, must be employed by a licensed water well 14 contractor." 15
- Section 7. Section 37-43-302, MCA, is amended to read: 16 "37-43-302. License required. (1) The drilling, 17 making, or construction of water wells into-the-groundwater 18 resources--of--this--state and monitoring wells and the 19 20 installation of pumping equipment is declared to be a business and activity affecting the public interest, 21 requiring reasonable standards of competence. Except as 22 provided in subsection (2), it is unlawful for any water 23 well contractor, or water well driller, monitoring well 24 constructor, or pump installer, as defined in this chapter, 25

- 1 to construct, alter, or rehabilitate a water well or a
- monitoring well or to install pumping equipment without
- first having obtained a valid license therefor as provided
- for in this chapter. An individual who is licensed as a
- 5 water well contractor is not required to have a separate
- water well driller's license to perform the actual
- construction work on the well. 7
- 8 (2) A license is not required for:
- (a) a person who drills, alters, or rehabilitates a q 10 water or monitoring well on land that is owned or leased by 11 him, and provided:
- (i) the land is used by him for farming, ranching, or 12 agricultural purposes or as his residence; and 13
- 14 (ii) the person who obtains a permit from the board: 15 and
- 16 (iii) the construction of the well conforms to the 17 minimum construction standards for water or monitoring wells
- 18 and installation of pumping equipment set by board rule: or
- 19 (b) a--person an apprentice water well driller who
- performs labor or services for a licensed water well contractor or driller in connection with the drilling of a
- 22
- water well at the direction and under the personal
- supervision of a licensed water well contractor or driller ::
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25 (c) a well owner who installs his own pumping

- equipment in a well used by him on land he owns or leases,
 provided:
- 3 (i) the land is used by the well owner for farming,
 4 ranching, or agricultural purposes or as the well owner's
 5 residence;
- (ii) the well owner obtains a permit from the board;and
- 8 (iii) the pump installation conforms to the minimum
 9 pumping equipment installation standards set by board rule.

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- (3) (a) To obtain a permit under subsection (2)(a) or (2)(c), a person shall file with the department an application containing the applicant's name, mailing address, the location of the proposed well, the nature of the applicant's ownership interest in the property on which the well is to be drilled located, the construction or installation method to be used, and the use for the proposed well.
- 18 (b) The board shall promptly issue a permit if it 19 finds that:
 - (i) the applicant-intends-to-drill-the well is located on land that he the applicant owns or leases and that he uses for farming, ranching, or agricultural purposes or as his residence; and
- 24 (ii) the construction or installation method to be used
 25 meets the minimum standards for water wells or pumping

1 equipment set by board rule."

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- Section 8. Section 37-43-303, MCA, is amended to read: 2 "37-43-303. Application -- fee. (1) Except as provided 3 in 37-43-302(2), a person desiring to engage in making, or construction, alteration, or drilling. rehabilitation of one or more water or monitoring wells for underground water or the installation of pumping equipment in water wells in this state shall first file an application with the department for a contractor's-or-driller's license; setting--out--his. The application must set forth the 10 applicant's qualifications, the equipment proposed to be 11 used in the contracting, and other matters required by the 12 board on forms adopted by the board. 13
- 14 (2) The department shall charge a fee prescribed by
 15 the board for filing the <u>an</u> application of—a—person. The
 16 application shall not be acted on until the fee has been
 17 paid. Fees collected under this section shall be deposited
 18 in the state special revenue fund for the use of the board.
 - (3) A An appropriate license to-construct-water-wells shall be issued to an applicant if, in the opinion of the board, the applicant is qualified to conduct water well or monitoring well construction operations or pumping equipment installation. In the granting of licenses, the board shall have due regard for the interest of this state in the protection of its underground waters."

Section 9. Section 37-43-305, MCA, is amended to read:
"37-43-305. Examination and qualifications. (1) Under
board rules pertaining to the business of drilling and
contracting for drilling of water wells which-the-board
adopts and monitoring wells and the business of pump
installation, the department shall inquire by examination or
otherwise into the qualifications of applicants for licenses
todrillormakewells-for-the-production-of-underground
waters-in-this-state. Examinations may be oral, written, or
both.

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- 11 (2) The qualifications required-by--the--board for a

 12 water well contractor's license are:
 - (a) familiar knowledge of groundwater laws of this state and sanitary standards for water well drilling and construction of water wells;
 - (b) knowledge of types of water well construction;
- 17 (c) knowledge of types of drilling tools and their
 18 uses;
- 19 (d) knowledge of underground geology in its relation
 20 to well construction;
- 21 (e) possession of adequate equipment by the applicant 22 to complete satisfactory water wells under the standards of 23 the board;
 - (f) financial responsibility of the applicant;
- 25 (g) successful completion of an examination given by

1 the department; an	1	the	depa	rtmen	t:	and
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- 2 (h) the-applicant-must-have-completed-a-minimum-of-1
 3 year completion of an apprenticeship of 1 year or more under
- 5 (3) The qualifications for a water well driller's

the direct supervision of a licensed water well contractor.

- 6 license are:
- 7 (a) familiar knowledge of groundwater laws of this
 8 state and sanitary standards for water well drilling and
 9 water well construction;
- 10 (b) knowledge of types of water well construction;
- 11 (c) knowledge of types of drilling tools and their
- 12 uses;
- (d) knowledge of geology in its relation to well construction;
- (e) employment by a licensed water well contractor;
- (f) completion of an apprenticeship of 1 year or more
- 17 under the direct supervision of a licensed water well
- 18 contractor or driller; and
- 19 (g) successful completion of an examination given by
 20 the department.
- 20 200 2000.0.
- 21 (4) The qualifications for a pump installer's license
- 22 are:
- 23 (a) familiar knowledge of groundwater laws of this
- 24 state and sanitary standards for pump installation;
- 25 (b) knowledge of construction, installation, and

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1	repair of water well pumps, water pressure storage tanks
2	connecting piping, and related appurtenances;
3	(c) possession of adequate equipment by the applican
4	to properly install pumping equipment;
5	(d) financial responsibility of the applicant;
6	(e) 1 or more years of experience under the direc
7	supervision of a licensed pump installer or licensed wate
8	well contractor; and
9	(f) successful completion of an examination given b
10	the department.
11	(5) The qualifications for a license to construct
12	monitoring wells are:
13	(a) familiar knowledge of groundwater laws of this
14	state and sanitary standards for drilling and construction
15	of monitoring wells;
16	(b) knowledge of types of monitoring well
17	construction;
18	(c) knowledge of types of drilling tools used for
19	monitoring wells and their uses;
20	(d) knowledge of geology;
21	(e) financial responsibility of the applicant;
22	(f) 1 or more years of experience in drilling
23	monitoring wells under the direct supervision of a licensed
24	monitoring well constructor; and
25	(g) successful completion of an examination related

specifically to drilling of monitoring wells given by the 1 2 department. (2)(6) The department shall give examinations at times 3 4 and places the board determines. Failure of an applicant to successfully complete the examination disqualifies him from making further application for a period of 3 months. The board shall act within a reasonable time on applications for licenses. An application shall be accompanied by the initial 9 fee, and failure to successfully meet the requirements of 10 the board does not entitle the applicant to a refund of the 11 fee." 12 Section 10. Section 37-43-306, MCA, is amended to 13 read: "37-43-306. Bond to be required. (1) The department, 14 on issuance of a contractor's water well contractor's, 15 monitoring well constructer's, or pump installer's license 16 17 under this chapter, shall require, before the person commences operations in this state, a good and sufficient 18 19 surety bond or in--lieu--thereof its equivalent in a 20 certificate of deposit, cashier's check, bank draft, or 21 certified check, to be approved by the board, in the penal

sum of \$4,000, conditioned that the licensee will comply

(2) A person who is licensed in more than one category need supply only one surety bond or its equivalent in a

with the rules of the board.

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certificate of deposit, cashier's check, bank draft, or 1 certified check, to be approved by the board, for \$4,000." 2 Section 11. Section 37-43-307, MCA, is amended to 3 read: 4 "37-43-307. Annual renewal -- fee -- revocation for 5 nonrenewal. (1) The term for licenses issued under this 6 chapter is from July 1 of each year through the following 7 June 30. After the payment of the initial fee under 9 37-43-303, a licensee shall pay, before the first day of each license year, a renewal fee as prescribed by the board. 10 11 (2) If a licensee does not apply for renewal of his license before the first day of a license year and remit to 12 the department the renewal fee, he shall have his license 13 suspended by the board. If the license remains suspended for 14 a period of more than 30 days after the first day of a 15 license year, it shall be revoked by the board. However, the 16 department, prior to this revocation, shall notify the 17 licensee of the board's intention to revoke at least 10 days 18 prior to the time set for action to be taken by the board on 19 the license, by mailing notice to the licensee at the 20 21 address appearing for the licensee in the records and files 22 of the department. A license once revoked may not be reinstated unless it appears that an injustice has occurred 23 indicating to the board that the licensee was not guilty of 24 negligence or laches. If a person whose license has been 25

revoked through his own fault desires to engage in the business of water well drilling, monitoring well construction, or pump installation in this state or contracting therefor, he must apply under 37-43-303 and 37-43-304. Notice of suspension shall be given a licensee when the suspension occurs."

Section 12. Section 37-43-308, MCA, is amended to read:

9 "37-43-308. Reciprocity. If a person holding a license 10 entitling him to drill water wells or install pumping equipment in another state applies for a Montana water well 11 contractor's, water well driller's, or pump installer's 12 13 license, the board may waive the apprenticeship requirements 14 and examination requirements if it finds that the standards 15 and requirements of the state in which the applicant is licensed are equal to or exceed those of Montana. However, the board may require the applicant to successfully complete 17 an examination based on Montana statutes and rules relating 18 to the drilling of water wells and installation of pumping 19 20 equipment in this state."

21 Section 13. Section 37-43-312, MCA, is amended to 22 read:

23 "37-43-312. Penalty. Any person who shall willfully 24 violate any lawful rule or order of the board or who shall 25 engage in the business of drilling, or-making altering, or

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rehabilitating water wells or monitoring wells or installing pumping equipment without first having obtained a license as in this chapter required or who shall violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$500 or imprisonment in a county jail for a term not exceeding 6 months, or both. Any violation of this chapter shall be prosecuted by the county attorney in the county in which the violation occurred or is occurring, and the trial thereof shall be held in that county."

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11 Section 14. Section 37-43-401, MCA, is amended to read:

"37-43-401. No action or counterclaim to be maintained except by licensee. No action or counterclaim shall be maintained by any water well contractor, water well driller, monitoring well constructor, or pump installer in any court in this state with respect to any agreement, work, labor, or materials for which a license is required by this chapter or to recover the agreed price or any compensation under any such agreement or for any such work, labor, or materials for which a license is required by this chapter without alleging and proving that such water well contractor, water well driller, monitoring well constructor, or pump installer had a valid license at the time of making such agreement and of supplying such labor, work, or materials."

Section 15. Section 37-43-402, MCA, is amended to read:

3 "37-43-402. Completion of contracts by successor in interest of licensed-contractor licensee. Upon the transfer by operation of law to the successor in interest of a water well contractor's, monitoring well 6 licensed constructor's, or pump installer's rights under a contract or agreement for the drilling, or making, or construction of a water well or wells, monitoring well or the installation 9 of pumping equipment, the successor in interest to such 10 11 rights shall be permitted to engage in the business of 12 drilling, making, or construction of water wells or 13 monitoring wells or the installation of pumping equipment to the extent necessary to perform the obligations of said 14 licensed-water-well-contractor licensee under such contract 15 or agreement, provided that such engagement in business 16 shall be under the supervision of a licensed water well 17 18 contractor, pump installer, or monitoring well constructor." 19

- NEW SECTION. Section 16. Initial licensure as a pump installer. (1) An applicant who submits an application for a pump installer's license before June 1, 1988, shall receive a license if the applicant:
- (a) successfully completes an examination for a pump
 installer's license administered by the board;
- 25 (b) submits evidence satisfactory to the board

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- demonstrating that he was actively engaged in the business
- of installing pumping equipment or employed as a pump
- 3 installer for the 2 years immediately preceding July 1,
- 4 1987;

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- 5 (c) pays a fee established by the board pursuant to 6 37-43-303; and
- 7 (d) provides a bond in compliance with 37-43-306.
- 8 (2) An applicant who submits an application for a pump
- 9 installer's license after May 31, 1988, shall meet the
- 10 requirements of 37-43-303, 37-43-305, and 37-43-306.
- 11 NEW SECTION. Section 17. Initial licensure as a
- monitoring well constructor. (1) An applicant who submits an
- 13 application for a monitoring well constructor's license
- 14 before June 1, 1988, shall receive a license if the
- 15 applicant:
- 16 (a) is a licensed water well contractor or is engaged
- 17 in installing monitoring wells;
- 18 (b) provides verification of 1 or more years'
- 19 experience in drilling monitoring wells within the 4 years
- 20 preceding the application;
- 21 (c) pays a fee established by the board under
- 22 37-43-303;
- 23 (d) successfully completes the examination for
- 24 monitoring well installation; and
- 25 (e) provides a bond in compliance with 37-43-306.

- 1 (2) An applicant who applies for a monitoring well 2 constructor's license after May 31, 1988, shall meet the 3 requirements of 37-43-303, 37-43-305, and 37-43-306.
- 4 <u>NEW SECTION.</u> Section 18. Licensed monitoring well
- 5 constructor to supervise all construction of monitoring
- 6 wells. (1) Any firm, corporation, or partnership may engage
- 7 in the business of constructing or installing monitoring
- 8 wells provided a licensed monitoring well constructor is in
- 9 charge of all monitoring well installation.
- 10 (2) The licensed monitoring well constructor must be
- 11 physically present at the site throughout the construction
- 12 of the monitoring well.
- 13 NEW SECTION. Section 19. Repealer. Section 37-43-304,
- 14 MCA, is repealed.
- 15 NEW SECTION. Section 20. Extension of authority. Any
- 16 existing authority of the board of water well contractors to
- 17 make rules on the subject of the provisions of this act is
- 18 extended to the provisions of this act.
- 19 NEW SECTION. Section 21. Codification instruction.
- 20 Sections 16 through 18 are intended to be codified as an
- 21 integral part of Title 37, chapter 43, part 4, and the
- 22 provisions of Title 37, chapter 43, part 4, apply to
- 23 sections 16 through 18.
- NEW SECTION. Section 22. Effective date. This act is
- 25 effective July 1, 1987.

1	STATEMENT OF INTENT
2	HOUSE BILL 831

A statement of intent is required for this bill because it requires the board of water well contractors to adopt rules to implement the provisions of this act.

This bill authorizes the board to license and provide training for persons constructing monitoring wells and to adopt rules regarding the construction, use, and abandonment of monitoring wells. The board's present jurisdiction is over wells intended for the location, diversion, artificial recharge, or acquisition of ground water. This bill is intended to clarify that the board's jurisdiction extends to wells that monitor ground water movement and quality. Monitoring wells can affect the ground water resource no less than production wells, and the increased use of monitoring wells requires that the board certify monitoring well constructors and adopt rules for monitoring well construction.

HB 0831/02

HB 0831/02

50th Legislature

Ţ	ROUSE BILL NO. 631
2	INTRODUCED BY HOLLIDAY, ECK, GALT, IVERSON
3	BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES
4	AND CONSERVATION
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING LAWS RELATING
7	TO THE BOARD OF WATER WELL CONTRACTORS; INCREASING THE
8	COMPENSATION FOR BOARD MEMBERS TO \$50 A DAY; ALLOWING FOR
9	LICENSING OF MONITORING WELL CONSTRUCTORS AND-WATER-WELL
10	PUMPINSTALLERS; REQUIRING BONDS FOR MONITORING WELL
11	CONSTRUCTORS ANDWATERWELLPUMPINSTALLERS; AMENDING
12	SECTIONS 37-43-101, 37-43-102, 37-43-201 THROUGH 37-43-203,
13	37-43-301 THROUGH 37-43-303, 37-43-305 THROUGH 37-43-308,
14	37-43-312, 37-43-401, AND 37-43-402, MCA; REPEALING SECTION
15	37-43-304, MCA; AND PROVIDING AN EFFECTIVE DATE."
16	
17	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18	Section 1. Section 37-43-101, MCA, is amended to read:
19	*37-43-101. Purpose. It is the purpose of this chapter
20	to reduce and minimize the waste and contamination of
21	groundwater resources within this state by reasonable
22	regulation and licensing of drillers or makers of water
23	wells in-this-state and monitoring wells andinstallersof
24	pumpingequipment and to protect the health and general
25	welfare by providing a means for the development of the

1	natural resource of underground water in an orderly,
2	sanitary, and reasonable manner. The reasonable regulation
3	and licensing of drillers or makers of water wells and
4	monitoring wells and-installers-of-pumping-equipment is in
5	the best interest of the public, and the waste and
6	contamination of groundwater resources through inefficient
7	or incompetent operations of drillers or makers of water
8	wells and monitoring wells andinstallersofpumping
9	equipment is prohibited. For the protection of the public
10	and for the conservation of underground water resources, it
11	is necessary that standards be set and maintained to insure
12	that competency in the drilling and making of water wells
13	and monitoring wells and-installation-of-pumping-equipment
14	in this state is obtained."
15	Section 2. Section 37-43-102, MCA, is amended to read:
16	"37-43-102. Definitions. Unless the context requires
17	otherwise, in this chapter the following definitions apply:
18	(1) "Apprentice water well driller" means an
19	individual who is learning the trade of water well drilling
20	and performs labor and services for a licensed water well
21	contractor and whose duties are directly related to well
22	drilling or drilling rig operation.
23	+1+(2) "Board" means the board of water well

+2+(3) "Department" means the department of natural

contractors provided for in 2-15-3307.

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resources and conservation provided for in Title 2, chapter

15, part 33.

- (4) "Monitoring well" means a well that is used for monitoring groundwater quality or flow direction but is not used for withdrawing groundwater for purposes other than water quality sampling or pump testing.
- (5) "Monitoring well constructor" means a natural person who drills or supervises the drilling of monitoring wells.
- (6)--"Pumping-equipment"-means-a-pump-or--other--device
 used--or--intended--for--use--in--withdrawing--or--obtaining
 groundwater-from-a-welly-including-but-not-limited--to--well
 seals--and--other--safeguards--to--protect--groundwater-from
 contamination-
- (7)--"Pump-installer"-means-a-person--who--installs--or repairs-pumping-equipment-for-compensation-
- (3)(6) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of groundwater. The term does not include spring development or excavations, by backhoe or otherwise, for recovery and use of surface waters or for the purpose of stock watering or irrigation where the depth is 25 feet or less. The term does not include an excavation made for the purpose of obtaining

-3-

or prospecting for oil, natural gas, minerals, or products
of mining or quarrying or for inserting media to repressure
oil- or natural-gas-bearing formations or for storing
petroleum, natural gas, or other products.

(4)(9)(7) "Water well contractor" or "contractor" means a natural person who contracts on behalf of a firm, corporation, partnership, or other business entity to construct, alter, or rehabilitate a water well on lands other than his own for compensation.

+5†<u>t+0†(0)</u> "Water well driller" or "driller" means any
person, other than an apprentice, at a drilling site causing
a water well to be drilled, altered, or rehabilitated."

Section 3. Section 37-43-201, MCA, is amended to read:

"37-43-201, Beal Organization -- seal -- compensation

of members. (1) The board shall annually elect a chairman

and vice-chairman.

the board shall have a seal with the words
engraved thereon, "Board of Water Well Contractors", and
such seal shall be affixed to all writs, authentication of
records, and other official proceedings of the board. The
courts of this state shall take judicial notice of such
seal.

(2)(3) Each appointed member of the board who is not a government employee shall receive as compensation for his services the sum of \$20 \$50 per day for each day actually

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engaged in the performance of the duties of his office, including time of travel between his home and the places at which he shall perform such duties, together with mileage and per diem expenses as provided for in 2-18-501 through 2-18-503. The state-engineer,-the-director-of--environmental sanitation--of--the-state-board-of-health,-and-other members who are employees of the state of Montana shall receive no extra compensation for their services as members of the board."

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- Section 4. Section 37-43-202, MCA, is amended to read:

 "37-43-202. Powers and duties. (1) The board may

 exercise the authority granted to it by this chapter.
- 13 (2) The board shall adopt rules and orders to
 14 effectuate this chapter.
 - water well construction standards and enforcement procedures by--January--1;--1907. The standards must address the protection of the drilling site; specifications for casing materials; materials and specifications for well screens; casing perforations; well development procedures; proper sealing and grouting; temporary capping; cleaning and disinfecting; bonds; guaranties; contractors' and drillers' qualifications; tests for yield and drawdown; reporting procedures and requirements for water quality, well logs, location of wells, and information relating to local

-5-

- conditions; well filters; access ports; gravel packing; sampling methods; plumbness and alignment of the hole and casing; well abandonment procedures; and other necessary and appropriate standards.
- 5 <u>147--The-board-shall-adopt-rules-regarding-installation</u> 6 <u>of-pumping-equipment-by-January-ly-1989</u>.
- 7 <u>f5}(4) The board shall adopt rules regarding the</u>
 8 <u>construction</u>, use, and abandonment of monitoring wells by
 9 January 1, 1989.
- 10 (4)(6)(5) The board may request the department to
 11 inspect water wells drilled or being drilled, and the
 12 department has access to these at reasonable times.
- training apprentices and licensed or prospective water well

 contractors, water well drillers, AND monitoring well

 constructors, and pump-installers or prospective water—well

 drillers—and-apprentices to more effectively carry out this

 chapter.
- 19 t6)t8)(7) The board shall set and enforce standards
 20 and rules governing the licensing, registration, and conduct
 21 of water well drillers, and water well contractors, AND
 22 monitoring well constructors, and pump-installers.
- 23 (7)(9)(8) The board shall set fees commensurate with 24 costs. The board may establish fees, including but not 25 limited to fees for application, examination, renewal,

- 1 reciprocity, late renewal, and continuing education. Board
- 2 costs not related to specific programs may be equitably
 - distributed as determined by the board. The board shall
- 4 maintain records sufficient to support the fees charged for
- 5 each program area.

- 6 (8)(10)(9) The rules of the board shall be compiled in
- 7 printed form for distribution to interested persons, for
- 8 which the department may charge a fee. Sums realized from
- 9 these sales shall be deposited in the state special revenue
- 10 fund for the use of the board.
- 11 (9)(11)(10) The board shall:
- 12 (a) authorize the department to issue licenses to
- 13 qualified water well contractors, and water well drillers,
- 14 AND monitoring well constructors, -- and -- pump -- installers in
- 15 this state:
- 16 (b) cause examinations to be made of applicants for
- 17 licenses;
- 18 (c) deny, revoke, or suspend licenses for good cause,
- 19 after notice and opportunity to be heard;
- 20 (d) reinstate licenses previously revoked when
- 21 justification is shown to the satisfaction of the board; and
- (e) generally perform duties which will carry out this
- 23 chapter.
- 24 (10)(12)(11) The board shall pay to the department its

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25 share of the assessed costs of the department in

- 1 administering this chapter."
- Section 5. Section 37-43-203, MCA, is amended to read:
- 3 "37-43-203. Disciplinary authority -- injunctions. (1)
- 4 The board may adopt rules specifying grounds for
- 5 disciplinary action and rules providing for:
- 6 (a) revocation of a license;
- 7 (b) suspension of its judgment of revocation on terms
- 8 and conditions determined by the board;
- 9 (c) suspension of the right to practice for a period
- 10 not exceeding 1 year;
- (d) placing a licensee on probation:
- 12 (e) reprimand or censure of a licensee; or
- 13 (f) taking any other action in relation to
- 14 disciplining a licensee as the board in its discretion
- 15 considers proper.
- 16 (2) Any disciplinary action by the board must be
- 17 conducted as a contested case hearing under the provisions
- 18 of the Montana Administrative Procedure Act.
- 19 (3) A The board may maintain an action to enjoin a
- 20 person from engaging in the drilling, making, or
- 21 construction of water wells or monitoring wells or
- 22 installing-pumping-equipment until a license to practice is
- 23 procured. A person who has been enjoined and who violates
- 24 the injunction is punishable for contempt of court."
- 25 Section 6. Section 37-43-301, MCA, is amended to read:

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1	"37-43~301. Licensed contractor person to supervise
2	all construction. (1) Any firm, corporation, or partnership
3	may engage in the business of constructing water wells
4	provided a licensed water well contractor is placed in
5	charge of all water well construction.
6	{2}Any-firm,-corporation,-or-partnershipmayengage

in--the--business-of-installing-pumping-equipment-provided-a licensed-pump-installer--is--in--charge--of--installing--the pumping-equipment:

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- (3)(2) The licensed water well contractor must be the 10 individual who contracts on behalf of the firm, corporation, 11 12 or partnership.
- (4)(3) A licensed water well_driller, pursuant to 13 37-43-305, must be employed by a licensed water well 14 contractor." 15
 - Section 7. Section 37-43-302, MCA, is amended to read: "37-43-302. License required. (1) The drilling, making, or construction of water wells into-the-groundwater resources--of--this--state and monitoring wells and--the installation-of--pumping--equipment is declared to be a business and activity affecting the public interest, requiring reasonable standards of competence. Except as provided in subsection (2), it is unlawful for any water well contractor, or water well driller, OR monitoring well constructor; or pump-installer; as defined in this chapter,

- 1 to construct, alter, or rehabilitate a water well or a monitoring well or--to--install--pumping--equipment without
- first having obtained a valid license therefor as provided
- for in this chapter. An individual who is licensed as a
- water well contractor is not required to have a separate
- water well driller's license to perform the actual
- construction work on the well. 7
 - (2) A license is not required for:
- q (a) a person who drills, alters, or rehabilitates a water or monitoring well on land that is owned or leased by 10 him, and provided: 11
- 12 (i) the land is used by him for farming, ranching, or 1.3 agricultural purposes or as his residence; and
- 14 (ii) the person who obtains a permit from the board; 15 and
- 16 (iii) the construction of the well conforms to the 17 minimum construction standards for water or monitoring wells
- and-installation-of-pumping-equipment set by board rule; or 18 (b) a--person an apprentice water well driller who 19
- performs labor or services for a licensed water well 20
- contractor or driller in connection with the drilling of a 21
- water well at the direction and under the personal 22 supervision of a licensed water well contractor or 23
- 24 driller-.7-or
- 25 (c)--a--well--owner--who--installs--his---own---pumping

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equipment-in-a-well-used-by-him-on-land-he-owns-or-leases;
provided:

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tit--the-land-is-used-by-the-well--owner--for--farming; ranching,--or--agricultural--purposes-or-as-the-well-owner+s residence;

6 (ii)-the-well-owner-obtains-a-permit--from--the--board; 7 and

(iii)-the--pump--installation--conforms--to-the-minimum pumping-equipment-installation-standards-set-by-board--rule-

- (3) (a) To obtain a permit under subsection (2)(a) or (2)(c), a person shall file with the department application containing the applicant's name, mailing address, the location of the proposed well, the nature of the applicant's ownership interest in the property on which the well is to be drilled located, the construction or installation method to be used, and the use for the proposed well.
- 18 (b) The board shall promptly issue a permit if it 19 finds that:
 - (i) the applicant-intends-to-drill-the well is located on land that he the applicant owns or leases and that he uses for farming, ranching, or agricultural purposes or as his residence; and
- (ii) the construction or installation method to be used 24 25 meets the minimum standards for water wells or--pumping

equipment set by board rule." 1

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Section 8. Section 37-43-303, MCA, is amended to read: 2 "37-43-303. Application -- fee. (1) Except as provided 3 37-43-302(2), a person desiring to engage in the drilling, making, or construction, alteration, or rehabilitation of one or more water or monitoring wells for underground water or-the-installation-of--pumping--equipment in-water-wells in this state shall first file an application with the department for a contractor's-or-driller's license, setting---out--his. The application must set forth the applicant's qualifications, the equipment proposed to be 11 used in the contracting, and other matters required by the 12 13 board on forms adopted by the board.

- (2) The department shall charge a fee prescribed by the board for filing the an application of-a-person. The application shall not be acted on until the fee has been paid. Fees collected under this section shall be deposited in the state special revenue fund for the use of the board.
- (3) A An appropriate license to-construct-water-wells shall be issued to an applicant if, in the opinion of the board, the applicant is qualified to conduct water well or monitoring well construction operations or-pumping-equipment installation. In the granting of licenses, the board shall have due regard for the interest of this state in the

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protection of its underground waters." 25

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Section 9. Section 37-43-305, MCA, is amended to read:		
"37-43-305. Examination and qualifications. (1) Under		
board rules pertaining to the business of drilling and		
contracting for drilling of water wells whichtheboard		
adopts and monitoring wells and-the-business-ofpump		
installation, the department shall inquire by examination or		
otherwise into the qualifications of applicants for licenses		
to-drill-or-make-wells-fortheproductionofunderground		
waters-in-this-state. Examinations may be oral, written, or		
both.		

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- 11 (2) The qualifications required--by--the-board for a

 12 water well contractor's license are:
 - (a) familiar knowledge of groundwater laws of this state and sanitary standards for water well drilling and construction of water wells;
- 16 (b) knowledge of types of water well construction;
- 17 (c) knowledge of types of drilling tools and their
 18 uses;
- 19 (d) knowledge of underground geology in its relation 20 to well construction;
- 21 (e) possession of adequate equipment by the applicant 22 to complete satisfactory water wells under the standards of 23 the board;
- 24 (f) financial responsibility of the applicant;
- 25 (q) successful completion of an examination given by

- 1 the department; and
- 2 (h) the--applicant--must-have-completed-a-minimum-of-1
- year completion of an apprenticeship of 1 year or more under
- 4 the direct supervision of a licensed water well contractor.
- 5 (3) The qualifications for a water well driller's
- 6 license are:
- 7 (a) familiar knowledge of groundwater laws of this
- 8 state and sanitary standards for water well drilling and
- 9 water well construction;
- (b) knowledge of types of water well construction;
- (c) knowledge of types of drilling tools and their
- 12 uses;
- 13 (d) knowledge of geology in its relation to well
- 14 construction;
- (e) employment by a licensed water well contractor;
- 16 (f) completion of an apprenticeship of 1 year or more
- 17 under the direct supervision of a licensed water well
- 18 contractor or driller; and
- 19 (g) successful completion of an examination given by
- 20 the department.
- 21 t4;--The--qualifications-for-a-pump-installer+s-license
- 22 are:
- 23 ta)--familiar-knowledge-of--groundwater--laws--of--this
- 24 state-and-sanitary-standards-for-pump-installation;
- 25 tb)--knowledge---of---construction;--installation;--and

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1	repair-of-water-well-pumpsy-waterpressurestoragetanks;
2	connecting-piping,-and-related-appurtenances;
3	tc)possessionof-adequate-equipment-by-the-applicant
4	to-properly-install-pumping-equipment;
5	td)financial-responsibility-of-the-applicant;
6	(e)1-or-more-years-ofexperienceunderthedirect
7	supervisionofa-licensed-pump-installer-or-licensed-water
8	well-contractor;-and
9	<pre>ff)successful-completion-of-an-examinationgivenby</pre>
10	the-department.
11	157(4) The qualifications for a license to construct
12	monitoring wells are:
13	(a) familiar knowledge of groundwater laws of this
14	state and samitary standards for drilling and construction
15	of monitoring wells;
16	(b) knowledge of types of monitoring well
17	construction;
18	(c) knowledge of types of drilling tools used for
19	monitoring wells and their uses;
20	(d) knowledge of geology;
21	(e) financial responsibility of the applicant;
22	(f) 1 or more years of experience in drilling
23	monitoring wells under the direct supervision of a licensed
24	monitoring well constructor; and
25	(g) successful completion of an examination related

specifically to drilling of monitoring wells given by the 1 2 department. (2)(6)(5) The department shall give examinations at 3 times and places the board determines. Failure of an applicant to successfully complete the examination disqualifies him from making further application for a period of 3 months. The board shall act within a reasonable time on applications for licenses. An application shall be accompanied by the initial fee, and failure to successfully 9 meet the requirements of the board does not entitle the 10 applicant to a refund of the fee." 11 Section 10. Section 37-43-306, MCA, is amended to 12 13 read: "37-43-306. Bond to be required. (1) The department, 14 on issuance of a contractor's water well contractor's OR 15 monitoring well constructor's 7-or-pump-installer's license 16 under this chapter, shall require, before the person 17 commences operations in this state, a good and sufficient 18 surety bond or in--lieu--thereof its equivalent in a 19 certificate of deposit, cashier's check, bank draft, or 20 certified check, to be approved by the board, in the penat 21 sum of \$4,000, conditioned that the licensee will comply 22 23 with the rules of the board. (2) A person who is licensed in more than one category 24 25 need supply only one surety bond or its equivalent in a

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1 certificate of deposit, cashier's check, bank draft, or certified check, to be approved by the board, for \$4,000." 2 3 Section 11. Section 37-43-307, MCA, is amended to 4 read: 5 "37-43-307. Annual renewal -- fee -- revocation for nonrenewal. (1) The term for licenses issued under this 6 chapter is from July 1 of each year through the following 7 June 30. After the payment of the initial fee under 8 37-43-303, a licensee shall pay, before the first day of 9 each license year, a renewal fee as prescribed by the board. 10 (2) If a licensee does not apply for renewal of his 11 license before the first day of a license year and remit to 12 the department the renewal fee, he shall have his license 13 suspended by the board. If the license remains suspended for 14 a period of more than 30 days after the first day of a 15 license year, it shall be revoked by the board. However, the 16 17 department, prior to this revocation, shall notify the 18 licensee of the board's intention to revoke at least 10 days prior to the time set for action to be taken by the board on 19 the license, by mailing notice to the licensee at the 20 address appearing for the licensee in the records and files 21 of the department. A license once revoked may not be 22 reinstated unless it appears that an injustice has occurred 23 indicating to the board that the licensee was not quilty of 24

negligence or laches. If a person whose license has been

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revoked through his own fault desires to engage in the business of water well drilling. OR monitoring well construction,—or—pump—installation in this state or contracting therefor, he must apply under 37-43-303 and 37-43-304. Notice of suspension shall be given a licensee when the suspension occurs."

Section 12. Section 37-43-308, MCA, is amended to read:

"37-43-308, Reciprocity. If a person holding a license entitling him to drill water wells or—install—pumping

entitling him to drill water wells or--install--pumping 10 11 equipment in another state applies for a Montana water well contractor's OR water well driller's -or -- pump -- installer's 12 license, the board may waive the apprenticeship requirements 13 and examination requirements if it finds that the standards 14 and requirements of the state in which the applicant is 15 licensed are equal to or exceed those of Montana. However, 16 17 the board may require the applicant to successfully complete an examination based on Montana statutes and rules relating 18 to the drilling of water wells and-installation-of-pumping 19 equipment in this state." 20

21 Section 13. Section 37-43-312, MCA, is amended to 22 read:

"37-43-312. Penalty. Any person who shall willfully
violate any lawful rule or order of the board or who shall
engage in the business of drilling, or-making altering, or

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rehabilitating water wells or monitoring wells or-installing 1 pumping-equipment without first having obtained a license as 2 in this chapter required or who shall violate any provision 3 of this chapter shall be guilty of a misdemeanor and upon 4 conviction shall be subject to a fine of not more than \$500 5 or imprisonment in a county jail for a term not exceeding 6 6 months, or both. Any violation of this chapter shall be 8 prosecuted by the county attorney in the county in which the 9 violation occurred or is occurring, and the trial thereof 10 shall be held in that county."

11 Section 14. Section 37-43-401, MCA, is amended to read:

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"37-43-401. No action or counterclaim to be maintained except by licensee. No action or counterclaim shall be maintained by any water well contractor, water well driller, OR monitoring well constructor, or pump installer in any court in this state with respect to any agreement, work, labor, or materials for which a license is required by this chapter or to recover the agreed price or any compensation under any such agreement or for any such work, labor, or materials for which a license is required by this chapter without alleging and proving that such water well contractor, water well driller, OR monitoring well constructor, or pump installer had a valid license at the time of making such agreement and of supplying such labor,

l work, or materials."

2 Section 15. Section 37-43-402, MCA, is amended to read:

4 "37-43-402. Completion of contracts by successor in interest of licensed-contractor licensee. Upon the transfer by operation of law to the successor in interest of a licensed water well contractor's, OR monitoring well 7 constructor's, -- or -- pump-installer's rights under a contract or agreement for the drilling, or making, or construction of 9 10 a water well or wells, monitoring well or--the--installation 11 of--pumping--equipment, the successor in interest to such 12 rights shall be permitted to engage in the business of 13 drilling, making, or construction of water wells or monitoring wells or-the-installation-of-pumping-equipment to 14 15 the extent necessary to perform the obligations of said 16 licensed--water-well-contractor licensee under such contract 17 or agreement, provided that such engagement in business 18 shall be under the supervision of a licensed water well 19 contractory-pump-installery or monitoring well constructor." 20 NEW-SECTION: -- Section-16; -- Initial-licensure-as-a--pump

installer:---(1)-An-applicant-who-submits-an-application-for a-pump--installer's--license--before--June--1;--1980;--shall receive-a-license-if-the-applicant:

24 (a)~-successfully--completes--an-examination-for-a-pump 25 installer's-license-administered-by-the-board;

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(b)submitsevidencesatisfactorytotheboard
demonstratingthathe-was-actively-engaged-in-the-business
of-installingpumpingequipmentoremployedasapump
installerforthe2yearsimmediately-preceding-July-ly
1987;

6 (c)--pays-a-fee-established-by-the--board--pursuant--to
7 37-43-393;-and

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- td)--provides-a-bond-in-compliance-with-37-43-306+
- (2)--An-applicant-who-submits-an-application-for-a-pump installer's--license--after--May--31,--1988,--shall-meet-the requirements-of-37-43-383,-37-43-385,-and-37-43-386.
- NEW SECTION. Section 16. Initial licensure as a monitoring well constructor. (1) An applicant who submits an application for a monitoring well constructor's license before June 1, 1988, shall receive a license if the applicant:
- 17 (a) is a licensed water well contractor or is engaged
 18 in installing monitoring wells;
 - (b) provides verification of 1 or more years' experience in drilling monitoring wells within the 4 years preceding the application;
- 22 (c) pays a fee established by the board under 23 37-43-303;
- 24 (d) successfully completes the examination for 25 monitoring well installation; and

- 1 (e) provides a bond in compliance with 37-43-306.
- 2 (2) An applicant who applies for a monitoring well 3 constructor's license after May 31, 1988, shall meet the 4 requirements of 37-43-303, 37-43-305, and 37-43-306.
 - NEW SECTION. Section 17. Licensed monitoring well constructor to supervise all construction of monitoring wells. (1) Any firm, corporation, or partnership may engage in the business of constructing or installing monitoring wells provided a licensed monitoring well constructor is in charge of all monitoring well installation.
 - (2) The licensed monitoring well constructor must be physically present at the site throughout the construction of the monitoring well.
- NEW SECTION. Section 18. Repealer. Section 37-43-304,
 MCA, is repealed.
- NEW SECTION. Section 19. Extension of authority. Any existing authority of the board of water well contractors to make rules on the subject of the provisions of this act is extended to the provisions of this act.
- NEW SECTION. Section 20. Codification instruction.

 Sections 16 through-18 AND 17 are intended to be codified as
 an integral part of Title 37, chapter 43, part 4, and the
 provisions of Title 37, chapter 43, part 4, apply to
 sections 16 through-18 AND 17.
- 25 NEW SECTION. Section 21. Effective date. This act is

1 effective July 1, 1987.

-End-

2	INTRODUCED BY HOLLIDAY, ECK, GALT, IVERSON
3	BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES
4	AND CONSERVATION
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING LAWS RELATING
7	TO THE BOARD OF WATER WELL CONTRACTORS; INCREASING THE
8	COMPENSATION FOR BOARD MEMBERS TO \$50 A DAY; ALLOWING FOR
9	LICENSING OF MONITORING WELL CONSTRUCTORS AND-WATER-WELL
10	PUMPINSTABBERS; REQUIRING BONDS FOR MONITORING WELL
11	CONSTRUCTORS AND WATER WELL PUMP INSTALLERS; AMENDING
12	SECTIONS 37-43-101, 37-43-102, 37-43-201 THROUGH 37-43-203,
13	37-43-301 THROUGH 37-43-303, 37-43-305 THROUGH 37-43-308,
14	37-43-312, 37-43-401, AND 37-43-402, MCA; REPEALING SECTION
15	37-43-304, MCA; AND PROVIDING AN EFFECTIVE DATE."
16	•
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18	Section 1. Section 37-43-101, MCA, is amended to read:
19	*37-43-101. Purpose. It is the purpose of this chapter
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21	groundwater resources within this state by reasonable
22	regulation and licensing of drillers or makers of water
23	wells in-this-state and monitoring wells andinstallersof
24	pumpingequipment and to protect the health and general

welfare by providing a means for the development of the

HOUSE BILL NO. 831

1	natural resource of underground water in an orderly
2	sanitary, and reasonable manner. The reasonable regulatio
3	and licensing of drillers or makers of water wells an
4	monitoring wells and-installers-of-pumping-equipment is i
5	the best interest of the public, and the waste an
6	contamination of groundwater resources through inefficien
7	or incompetent operations of drillers or makers of water
8	wells and monitoring wells andinstallersofpumpin
9	equipment is prohibited. For the protection of the publi
10	and for the conservation of underground water resources, $\;\;\mathrm{i}\;\;$
11	is necessary that standards be set and maintained to insur
12	that competency in the drilling and making of water well
13	and monitoring wells and installation of pumping equipmen
14	in this state is obtained."
15	Section 2. Section 37-43-102, MCA, is amended to read
16	"37-43-102. Definitions. Unless the context require

drilling or drilling rig operation. (1) "Board" means the board of water well 23 24 contractors provided for in 2-15-3307.

(2)(3) "Department" means the department of natural

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otherwise, in this chapter the following definitions apply:

and performs labor and services for a licensed water well contractor and whose duties are directly related to well

(1) "Apprentice water well driller" means an individual who is learning the trade of water well drilling

resources and conservation provided for in Title 2, chapter
 15, part 33.

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- (4) "Monitoring well" means a well that is used for monitoring groundwater quality or flow direction but is not used for withdrawing groundwater for purposes other than water quality sampling or pump testing.
- (5) "Monitoring well constructor" means a natural person who drills or supervises the drilling of monitoring wells.
- 10 <u>f6}--"Pumping-equipment"-means-a-pump-or--other--device</u>
 11 <u>used--or--intended--for--use--in--withdrawing--or--obtaining</u>
 12 <u>groundwater-from-a-welly-including-but-not-limited--to--well</u>
 13 <u>seals--and--other--safequards--to--protect--groundwater-from</u>
 14 contamination:
 - (7)-- "Pump-installer"-means-a-person--who--installs--or
 - t3)f8)(6) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of groundwater. The term does not include spring development or excavations, by backhoe or otherwise, for recovery and use of surface waters or for the purpose of stock watering or irrigation where the depth is 25 feet or less. The term does not include an excavation made for the purpose of obtaining

- or prospecting for oil, natural gas, minerals, or products
 of mining or quarrying or for inserting media to repressure
 oil- or natural-gas-bearing formations or for storing
 petroleum, natural gas, or other products.
- function for the first section for the function for the first section for the first sect
- 10 (5)(10)(8) "Water well driller" or "driller" means any
 11 person, other than an apprentice, at a drilling site causing
 12 a water well to be drilled, altered, or rehabilitated."
- Section 3. Section 37-43-201, MCA, is amended to read:

 "37-43-201. Seal Organization -- seal -- compensation

 of members. (1) The board shall annually elect a chairman

 and vice-chairman.
- 17 (i)(2) The board shall have a seal with the words
 18 engraved thereon, "Board of Water Well Contractors", and
 19 such seal shall be affixed to all writs, authentication of
 20 records, and other official proceedings of the board. The
 21 courts of this state shall take judicial notice of such
 22 seal.
- f(2)(3) Each appointed member of the board who is not a government employee shall receive as compensation for his services, the sum of \$20 \$50 per day for each day actually

engaged in the performance of the duties of his office, including time of travel between his home and the places at which he shall perform such duties, together with mileage and per diem expenses as provided for in 2-18-501 through 2-18-503. The state-engineer,-the-director-of--environmental sanitation--of--the-state-board-of-health,-and-other members who are employees of the state of Montana shall receive no extra compensation for their services as members of the board."

Section 4. Section 37-43-202, MCA, is amended to read:

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- 13 (2) The board shall adopt rules and orders to
 - (3) The board shall adopt rules to establish mandatory water well construction standards and enforcement procedures by—January—1;—1987. The standards must address the protection of the drilling site; specifications for casing materials; materials and specifications for well screens; casing perforations; well development procedures; proper sealing and grouting; temporary capping; cleaning and disinfecting; bonds; guaranties; contractors' and drillers' qualifications; tests for yield and drawdown; reporting procedures and requirements for water quality, well logs, location of wells, and information relating to local

- conditions; well filters; access ports; gravel packing;
 sampling methods; plumbness and alignment of the hole and
 casing; well abandonment procedures; and other necessary and
 appropriate standards.
- 5 <u>(4)--The-board-shall-adopt-rules-regarding-installation</u> 6 <u>of-pumping-equipment-by-January-ly-1989-</u>
- 7 <u>{5}(4)</u> The board shall adopt rules regarding the 8 <u>construction</u>, use, and abandonment of monitoring wells by 9 January 1, 1989.
- 10 (4)(6)(5) The board may request the department to
 11 inspect water wells drilled or being drilled, and the
 12 department has access to these at reasonable times.
- 13 (5)(7)(6) The board may establish a program for
 14 training apprentices and licensed or prospective water well
 15 contractors, water well drillers, AND monitoring well
 16 constructors, and pump-installers or prospective water well
 17 drillers and apprentices to more effectively carry out this
 18 chapter.
- 19 (6)(8)(7) The board shall set and enforce standards
 20 and rules governing the licensing, registration, and conduct
 21 of water well drillers, and water well contractors, AND
 22 monitoring well constructors, and pump-installers.
- 23 (7)(9)(8) The board shall set fees commensurate with 24 costs. The board may establish fees, including but not 25 limited to fees for application, examination, renewal,

- reciprocity, late renewal, and continuing education. Board 1
- costs not related to specific programs may be equitably 2
- distributed as determined by the board. The board shall 3
- maintain records sufficient to support the fees charged for
- 5 each program area.
- 6 $(\theta)(\theta)(\theta)$ The rules of the board shall be compiled in
- printed form for distribution to interested persons, for 8
 - which the department may charge a fee. Sums realized from
- 9 these sales shall be deposited in the state special revenue
- fund for the use of the board. 10
- 11 t9)t±±t(10) The board shall:
- 12 (a) authorize the department to issue licenses to
- 13 qualified water well contractors, and water well drillers,
- AND monitoring well constructors,--and--pump--installers in 14
- 15 this state:

- 16 (b) cause examinations to be made of applicants for
- 17 licenses;
- (c) deny, revoke, or suspend licenses for good cause, 18
- 19 after notice and opportunity to be heard;
- (d) reinstate licenses previously revoked 20
- 21 justification is shown to the satisfaction of the board; and
- (e) generally perform duties which will carry out this 22
- 23 chapter.
- $(\pm\theta)(\pm2)(11)$ The board shall pay to the department its 24
- 25 share of the assessed costs of the department in

- administering this chapter."
- Section 5. Section 37-43-203, MCA, is amended to read: 2
- 3 "37-43-203. Disciplinary authority -- injunctions. (1)
- The board may adopt rules specifying grounds for 4
- disciplinary action and rules providing for:
- 6 (a) revocation of a license;
- 7 (b) suspension of its judgment of revocation on terms
- 8 and conditions determined by the board;
- (c) suspension of the right to practice for a period 9
- 10 not exceeding 1 year;
- 11 (d) placing a licensee on probation;
- 12 (e) reprimand or censure of a licensee; or
- (f) taking any other action in relation to 13
- disciplining a licensee as the board in its discretion 14
- 15 considers proper.
- 16 (2) Any disciplinary action by the board must be
- 17 conducted as a contested case hearing under the provisions
- of the Montana Administrative Procedure Act. 18
- 19 (3) A The board may maintain an action to enjoin a
- 20 person from engaging in the drilling, making, or
- construction of water wells or monitoring wells or
- 22 installing-pumping-equipment until a license to practice is
- procured. A person who has been enjoined and who violates
- 24 the injunction is punishable for contempt of court."
- Section 6. Section 37-43-301, MCA, is amended to read: 25

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"37-43-301. Licensed contractor person to supervise 1 all construction. (1) Any firm, corporation, or partnership 2 may engage in the business of constructing water wells 3 provided a licensed water well contractor is placed in charge of all water well construction. 6 +2)--Any-firmy-corporationy-or-partnership--may--engage 7 in--the--business-of-installing-pumping-equipment-provided-a 8 licensed-pump-installer--is--in--charge--of--installing--the 9 pumping-equipment: 1.0 (3) (2) The licensed water well contractor must be the 11 individual who contracts on behalf of the firm, corporation, 12 or partnership. 13 (4)(3) A licensed water well driller, pursuant to 14 37-43-305, must be employed by a licensed water well 15 contractor." 16 Section 7. Section 37-43-302, MCA, is amended to read: "37-43-302. License required. (1) The drilling, 17 18 making, or construction of water wells into-the-groundwater 19 resources--of--this--state and monitoring wells and--the 20 installation--of--pumping--equipment is declared to be a 21 business and activity affecting the public 22 requiring reasonable standards of competence. Except as 23 provided in subsection (2), it is unlawful for any water

monitoring well or--to--install--pumping--equipment without first having obtained a valid license therefor as provided for in this chapter. An individual who is licensed as a water well contractor is not required to have a separate water well driller's license to perform the actual construction work on the well. (2) A license is not required for: (a) a person who drills, alters, or rehabilitates a water or monitoring well on land that is owned or leased by him, and provided: (i) the land is used by him for farming, ranching, or agricultural purposes or as his residence; and (ii) the person who obtains a permit from the board: and (iii) the construction of the well conforms to the minimum construction standards for water or monitoring wells and-installation-of-pumping-equipment set by board rule; or (b) a-person an apprentice water well driller who performs labor or services for a licensed water well contractor or driller in connection with the drilling of a

driller....or

to construct, alter, or rehabilitate a water well or a

water well at the direction and under the personal

supervision of a licensed water well contractor or

well contractor, or water well driller, OR monitoring well

constructor, or pump-installer, as defined in this chapter.

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1	equipmentina-well-used-by-him-on-land-he-owns-or-leases;
2	provided:
3	ti)the-land-is-used-by-the-wellownerforfarming;
4	ranching,oragriculturalpurposes-or-as-the-well-owner's
5	residence;
6	tiit-the-well-owner-obtains-a-permitfromtheboard;

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fitit-the-pump-installation-conforms-to-the-minimum pumping-equipment-installation-standards-set-by-board-rule-

- (3) (a) To obtain a permit under subsection (2)(a) of t2)(c), a person shall file with the department an application containing the applicant's name, mailing address, the location of the proposed well, the nature of the applicant's ownership interest in the property on which the well is to be drilled located, the construction or installation method to be used, and the use for the proposed well.
- (b) The board shall promptly issue a permit if it finds that:
- (i) the applicant-intends-to-drift-the well is located on land that he the applicant owns or leases and that he uses for farming, ranching, or agricultural purposes or as his residence; and
- 24 <u>(ii) the construction or installation method to be used</u>
 25 meets the minimum standards for water wells or-pumping

Section 8. Section 37-43-303, MCA, is amended to read: 2 "37-43-303. Application -- fee. (1) Except as provided 3 in 37-43-302(2), a person desiring to engage in the drilling, making, or construction, alteration, or 5 rehabilitation of one or more water or monitoring wells for underground water or-the-installation-of--pumping--equipment in-water-wells in this state shall first file an application with the department for a contractor's-or-driller's license, setting -- out -- his. The application must set forth the 10 applicant's qualifications, the equipment proposed to be 11 used in the contracting, and other matters required by the 12 board on forms adopted by the board. 13

equipment set by board rule."

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- (2) The department shall charge a fee prescribed by the board for filing the <u>an</u> application of—a—person. The application shall not be acted on until the fee has been paid. Fees collected under this section shall be deposited in the state special revenue fund for the use of the board.
- (3) A An appropriate license to-construct-water-wells shall be issued to an applicant if, in the opinion of the board, the applicant is qualified to conduct water well or monitoring well construction operations or pumping-equipment installation. In the granting of licenses, the board shall have due regard for the interest of this state in the protection of its underground waters."

1	Section 9. Section 37-43-305, MCA, is amended to read:
2	"37-43-305. Examination and qualifications. (1) Under
3	board rules pertaining to the business of drilling and
4	contracting for drilling of water wells whichtheboard
5	adopts and monitoring wells and-the-business-of-pump
6	installation, the department shall inquire by examination or
7	otherwise into the qualifications of applicants for licenses
8	to-drill-or-make-wells-fortheproductionofunderground
9	waters-in-this-state. Examinations may be oral, written, or
10	both.

- 11 (2) The qualifications required--by--the-board for a
 12 water well contractor's license are:
- 13 (a) familiar knowledge of groundwater laws of this 14 state and sanitary standards for water well drilling and 15 construction of water wells;
 - (b) knowledge of types of water well construction;

- 17 (c) knowledge of types of drilling tools and their
 18 uses;
- 19 (d) knowledge of underground geology in its relation
 20 to well construction;
- 21 (e) possession of adequate equipment by the applicant 22 to complete satisfactory water wells under the standards of 23 the board;
- 24 (f) financial responsibility of the applicant;
- 25 (g) successful completion of an examination given by

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İ	the	department;	and
L	cne	department;	anu

- 2 (h) the—applicant—must-have-completed-a-minimum-of-1
 3 year completion of an apprenticeship of 1 year or more under
 4 the direct supervision of a licensed water well contractor.
- 5 (3) The qualifications for a water well driller's
- 6 license are:
- 7 (a) familiar knowledge of groundwater laws of this
- 8 state and sanitary standards for water well drilling and
- 9 water well construction;
- 10 (b) knowledge of types of water well construction;
- 11 (c) knowledge of types of drilling tools and their
- 12 uses;
- 13 (d) knowledge of geology in its relation to well
- 14 construction;
- (e) employment by a licensed water well contractor;
- (f) completion of an apprenticeship of 1 year or more
- 17 under the direct supervision of a licensed water well
- 18 contractor or driller; and
- 19 (g) successful completion of an examination given by
- 20 the department.
- 21 (4)--The--qualifications-for-a-pump-installer+s-license
- 22 are:
- 23 (a)--familiar-knowledge-of--groundwater--laws--of--this
- 24 state-and-sanitary-standards-for-pump-installation;
- 25 (b) -- knowledge -- of -- construction -- installation -- and

1	repair-of-water-well-pumps;-waterpressurestoragetanks;
2	connecting-piping-and-related-appurtenances;
3	{c}possessionof-adequate-equipment-by-the-applicant
4	to-properly-install-pumping-equipment;
5	<pre>(d)financial-responsibility-of-the-applicant;</pre>
6	te}1-or-more-years-ofexperienceunderthedirect
7	supervisionofa-licensed-pump-installer-or-licensed-water
8	well-contractor; and
9	(f)successful-completion-of-an-examinationgivenby
10	the-department.
11	(5)(4) The qualifications for a license to construct
12	monitoring wells are:
13	(a) familiar knowledge of groundwater laws of this
14	state and sanitary standards for drilling and construction
15	of monitoring wells:
16	(b) knowledge of types of monitoring well
17	construction;
18	(c) knowledge of types of drilling tools used for
19	monitoring wells and their uses;
20	(d) knowledge of geology;
21	(e) financial responsibility of the applicant;
22	(f) 1 or more years of experience in drilling
23	monitoring wells under the direct supervision of a licensed
24	monitoring well constructor; and
25	(g) successful completion of an examination related

1	specifically to drilling of monitoring wells given by the
2	department.
3	(2) (5) The department shall give examinations at
4	times and places the board determines. Failure of an
5	applicant to successfully complete the examination
6	disqualifies him from making further application for a
7	period of 3 months. The board shall act within a reasonable
8	time on applications for licenses. An application shall be
9	accompanied by the initial fee, and failure to successfully
10	meet the requirements of the board does not entitle the
11	applicant to a refund of the fee."
12	Section 10. Section 37-43-306, MCA, is amended to
13	read:
14	"37-43-306. Bond to be required. (1) The department,
15	on issuance of a contractor's water well contractor's OF
16	monitoring well constructor's - or - pump - installer's license
17	under this chapter, shall require, before the person
18	commences operations in this state, a good and sufficient
19	surety bond or inlieuthereof its equivalent in
20	certificate of deposit, cashier's check, bank draft, or

certified check, to be approved by the board, in the penal

sum of \$4,000, conditioned that the licensee will comply

need supply only one surety bond or its equivalent in a

(2) A person who is licensed in more than one category

with the rules of the board.

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	Cercificate of deposity cashier's enecky bank drafty of
2	certified check, to be approved by the board, for \$4,000."
3	Section 11. Section 37-43-307, MCA, is amended to
4	read:
5	"37-43-307. Annual renewal fee revocation for
6	nonrenewal. (1) The term for licenses issued under this
7	chapter is from July 1 of each year through the following
8	June 30. After the payment of the initial fee under
9	37-43-303, a licensee shall pay, before the first day of
10	each license year, a renewal fee as prescribed by the board.
11	(2) If a licensee does not apply for renewal of his
12	license before the first day of a license year and remit to
13	the department the renewal fee, he shall have his license
14	suspended by the board. If the license remains suspended for
15	a period of more than 30 days after the first day of a
16	license year, it shall be revoked by the board. However, the
17	department, prior to this revocation, shall notify the
18	licensee of the board's intention to revoke at least 10 days
19	prior to the time set for action to be taken by the board on
20	the license, by mailing notice to the licensee at the
21	address appearing for the licensee in the records and files
22	of the department. A license once revoked may not be
23	reinstated unless it appears that an injustice has occurred
24	indicating to the board that the licensee was not guilty of
25	negligence or laches. If a person whose license has been

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revoked through his own fault desires to engage in the business of water well drilling; OR monitoring well construction,--or--pump--installation in this state or contracting therefor, he must apply under 37-43-303 and 37-43-304. Notice of suspension shall be given a licensee when the suspension occurs." Section 12. Section 37-43-308, MCA, is amended to read: "37-43-308. Reciprocity. If a person holding a license entitling him to drill water wells or--install--pumping equipment in another state applies for a Montana water well contractor's OR water well driller's -or--pump--installer's license, the board may waive the apprenticeship requirements and examination requirements if it finds that the standards and requirements of the state in which the applicant is licensed are equal to or exceed those of Montana. However, the board may require the applicant to successfully complete an examination based on Montana statutes and rules relating

equipment in this state."

to the drilling of water wells and-installation-of-pumping

Section 13. Section 37-43-312, MCA, is amended to

23 "37-43-312. Penalty. Any person who shall willfully 24 violate any lawful rule or order of the board or who shall 25 engage in the business of drilling, or-making MAKING,

altering, or rehabilitating water wells or monitoring wells
orinstallingpumpingequipment without first having
obtained a license as in this chapter required or who shall
violate any provision of this chapter shall be guilty of a
misdemeanor and upon conviction shall be subject to a fine
of not more than \$500 or imprisonment in a county jail for a
term not exceeding 6 months, or both. Any violation of this
chapter shall be prosecuted by the county attorney in the
county in which the violation occurred or is occurring, and
the trial thereof shall be held in that county."

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11 Section 14. Section 37-43-401, MCA, is amended to read:

"37-43-401. No action or counterclaim to be maintained except by licensee. No action or counterclaim shall be maintained by any water well contractor, water well driller, OR monitoring well constructor, or pump-installer in any court in this state with respect to any agreement, work, labor, or materials for which a license is required by this chapter or to recover the agreed price or any compensation under any such agreement or for any such work, labor, or materials for which a license is required by this chapter without alleging and proving that such water well contractor, water well driller, OR monitoring well constructor, or pump-installer had a valid license at the time of making such agreement and of supplying such labor,

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Section 15. Section 37-43-402, MCA, is amended to 2 3 read: "37-43-402. Completion of contracts by successor in 4 interest of licensed-contractor licensee. Upon the transfer by operation of law to the successor in interest of a licensed water well contractor's OR monitoring well constructor's,--or--pump-installer's rights under a contract or agreement for the drilling, or making, or construction of 9 a water well or wells, monitoring well or--the--installation 1.0 of--pumping-requipment, the successor in interest to such 11 rights shall be permitted to engage in the business of 12 drilling, making, or construction of water wells or 13 monitoring wells or-the-installation-of-pumping-equipment to 14 the extent necessary to perform the obligations of said 15 licensed--water-well-contractor licensee under such contract 16 or agreement, provided that such engagement in business 17 shall be under the supervision of a licensed water well 18 contractor, -pump-installer, or monitoring well constructor." 19 NEW-SECTION: -- Section-16---Initial-licensure-as-a--pump 20 installer:---(1)-An-applicant-who-submits-an-application-for 21 a-pump--installer's--license--before--dune--17--1988;--shall 22 receive-a-license-if-the-applicant: 23 (a)--successfully--completes--an-examination-for-a-pump 24

installer's-license-administered-by-the-board;

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work, or materials."

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<pre>fb}submitsevidencesatisfactorytotheboard</pre>
demonstratingthathe-was-actively-engaged-in-the-business
of-installingpumpingequipmentoremployedasapump
installerforthe2yearsimmediately-preceding-July-17
1987:

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- (c)--pays-a-fee-established-by-the--board--pursuant--to
- (d)--provides-a-bond-in-compliance-with-37-43-306-
- 9 (2)--An-applicant-who-submits-an-application-for-a-pump
 10 installer's--license--after--May--317--19887--shall-meet-the
 11 requirements-of-37-43-3937-37-43-3957-and-37-43-3967
 - NEW SECTION. Section 16. Initial licensure as a monitoring well constructor. (1) An applicant who submits an application for a monitoring well constructor's license before June 1, 1988, shall receive a license if the applicant:
 - (a) is a licensed water well contractor or is engaged in installing monitoring wells;
 - (b) provides verification of 1 or more years' experience in drilling monitoring wells within the 4 years preceding the application;
- 22 (c) pays a fee established by the board under
 23 37-43-303;
- 24 (d) successfully completes the examination for
 25 monitoring well installation; and

- 1 (e) provides a bond in compliance with 37-43-306.
- 2 (2) An applicant who applies for a monitoring well 3 constructor's license after May 31, 1988, shall meet the 4 requirements of 37-43-303, 37-43-305, and 37-43-306.
- NEW SECTION. Section 17. Licensed monitoring well constructor to supervise all construction of monitoring wells. (1) Any firm, corporation, or partnership may engage in the business of constructing or installing monitoring wells provided a licensed monitoring well constructor is in
- 11 (2) The licensed monitoring well constructor must be 12 physically present at the site throughout the construction 13 of the monitoring well.

charge of all monitoring well installation.

- NEW SECTION. Section 18. Repealer. Section 37-43-304,
 MCA, is repealed.
- NEW SECTION. Section 19. Extension of authority. Any existing authority of the board of water well contractors to make rules on the subject of the provisions of this act is extended to the provisions of this act.
- NEW SECTION. Section 20. Codification instruction.

 Sections 16 through-18 AND 17 are intended to be codified as
 an integral part of Title 37, chapter 43, part 4 3, and the
 provisions of Title 37, chapter 43, part 4 3, apply to
- NEW SECTION. Section 21. Effective date. This act is

sections 16 through-18 AND 17.

l effective July 1, 1987.

-End-

STANDING COMMITTEE REPORT

SENATE	March 18	19
MR. PRESIDENT		
We, your committee on NATURAL RESOURCES		
having had under consideration. HOUSE BILL		No831
THIRD reading copy (BLUE) color		
REQUIRES LICENSING OF WELL PUMP INSTALI	LERS & MONITORING W	ŒLL
HOLLIDAY (GALT)		
Respectfully report as follows: ThatHOUSE BILLBE AMENDED AS FOLLOWS:		No831
1. Page 18, line 25. Following: "7-or-making" Insert: "making,"		
<pre>2. Page 22, line 22. Following: "part" Strike: "4" Insert: "3"</pre>		
3. Page 22, line 23. Following: "part" Strike: "4" Insert: "3"		

AND AS AMENDED BE CONCURRED IN

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SENATOR THOMAS F KEATING. Chairman.