

HOUSE BILL NO. 727

INTRODUCED BY MARKS

IN THE HOUSE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
FEBRUARY 16, 1989	FIRST READING.
FEBRUARY 18, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1989	PRINTING REPORT.
FEBRUARY 21, 1989	SECOND READING, DO PASS.
FEBRUARY 22, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 96; NOES, 4.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 14, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 15, 1989	SECOND READING, CONCURRED IN.
MARCH 17, 1989	THIRD READING, CONCURRED IN. AYES, 38; NOES, 8.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989	RECEIVED FROM SENATE.
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APRIL 1, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 727
2 INTRODUCED BY Marks
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REDEFINING "MONITORING
5 WELL"; REQUIRING THE BOARD OF WATER WELL CONTRACTORS TO
6 ADOPT MINIMUM STANDARDS FOR MONITORING WELL CONSTRUCTION,
7 USE, AND ABANDONMENT; REQUIRING CERTAIN PERSONS TO HAVE A
8 SEPARATE LICENSE TO INSTALL MONITORING WELLS; ALLOWING
9 EDUCATION OR EXPERIENCE TO SUBSTITUTE FOR AN APPRENTICESHIP
10 FOR THE PURPOSE OF OBTAINING A WATER WELL CONTRACTOR'S
11 LICENSE, WATER WELL DRILLER'S LICENSE, OR MONITORING WELL
12 CONSTRUCTOR'S LICENSE; MODIFYING THE BOND REQUIREMENT;
13 APPLYING THE RECIPROCITY LAW TO OUT-OF-STATE LICENSED
14 MONITORING WELL CONSTRUCTORS; AMENDING SECTIONS 37-43-102,
15 37-43-202, 37-43-302, 37-43-305, 37-43-306, AND 37-43-308,
16 MCA; REPEALING SECTION 16, CHAPTER 538, LAWS OF 1987; AND
17 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 **Section 1.** Section 37-43-102, MCA, is amended to read:

21 "37-43-102. Definitions. Unless the context requires
22 otherwise, in this chapter the following definitions apply:

23 (1) "Apprentice water well driller" means an
24 individual who is learning the trade of water well drilling
25 and performs labor and services for a licensed water well

1 contractor and whose duties are directly related to well
2 drilling or drilling rig operation.

3 (2) "Board" means the board of water well contractors
4 provided for in 2-15-3307.

5 (3) "Department" means the department of natural
6 resources and conservation provided for in Title 2, chapter
7 15, part 33.

8 (4) "Monitoring well" means a well that is used for
9 certain purposes, including pollutant recovery or monitoring
10 groundwater quality or flow direction, but is not used for
11 withdrawing--groundwater--for--purposes--other--than--water
12 quality--sampling--or--pump--testing whose primary purpose is
13 not the withdrawal or acquisition of groundwater.
14 Monitoring well does not include geotechnical borings
15 installed under the direction of a licensed professional
16 engineer and perk test holes and groundwater exploration
17 holes that are used to determine suitability of onsite
18 sewage disposal by septic tank drain fields, lagoons, or
19 both.

20 (5) "Monitoring well constructor" means a natural
21 person who drills--or--supervises-the-drilling-of installs
22 monitoring wells.

23 (6) "Water well" means an excavation that is drilled,
24 cored, bored, washed, driven, dug, jetted, or otherwise
25 constructed and intended for the location, diversion,

1 artificial recharge, or acquisition of groundwater. The term
 2 does not include spring development or excavations, by
 3 backhoe or otherwise, for recovery and use of surface waters
 4 or for the purpose of stock watering or irrigation where the
 5 depth is 25 feet or less. The term does not include an
 6 excavation made for the purpose of obtaining or prospecting
 7 for oil, natural gas, minerals, or products of mining or
 8 quarrying or for inserting media to repressure oil- or
 9 natural-gas-bearing formations or for storing petroleum,
 10 natural gas, or other products.

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

16 (8) "Water well driller" or "driller" means any
 17 person, other than an apprentice, at a drilling site causing
 18 a water well to be drilled, altered, or rehabilitated."

19 NEW SECTION. **Section 2. Initial licensing as a**
 20 **monitoring well constructor.** (1) An applicant who submits an
 21 application for a monitoring well constructor's license
 22 before December 31, 1989, shall receive a license if the
 23 applicant:

24 (a) provides verification of 1 or more years'
 25 experience in installing monitoring wells within the 4 years

1 preceding the application;

2 (b) pays a fee prescribed by the board of water well
 3 contractors in 37-43-303; and

4 (c) provides a bond in compliance with 37-43-306.

5 (2) A licensed water well contractor is not required
 6 to obtain a separate license to install monitoring wells,
 7 but shall meet the requirements of subsections (1)(b) and
 8 (1)(c) before being authorized to proceed with monitoring
 9 well installation.

10 **Section 3.** Section 37-43-202, MCA, is amended to read:

11 **"37-43-202. Powers and duties.** (1) The board may
 12 exercise the authority granted to it by this chapter.

13 (2) The board shall adopt rules and orders to
 14 effectuate this chapter.

15 (3) The board shall adopt rules to establish mandatory
 16 water well construction standards and enforcement
 17 procedures. The standards must address the protection of the
 18 drilling site; specifications for casing materials;
 19 materials and specifications for well screens; casing
 20 perforations; well development procedures; proper sealing
 21 and grouting; temporary capping; cleaning and disinfecting;
 22 bonds; guaranties; contractors' and drillers'
 23 qualifications; tests for yield and drawdown; reporting
 24 procedures and requirements for water quality, well logs,
 25 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~~ minimum standards regarding the construction, use, and abandonment of monitoring wells ~~by January 1, 1989. The standards must be designed to protect the state's ground water resource from degradation by contamination and loss of hydrostatic pressure. A violation of the standards does not occur if it can be shown that noncompliance results in equal or greater protection of the ground water resource.~~

(5) The board may request the department to inspect water wells or monitoring wells drilled or being drilled, and the department has access to these wells at reasonable times.

(6) The board may establish a program for training apprentices and licensed or prospective water well contractors, water well drillers, and monitoring well constructors to more effectively carry out this chapter.

(7) The board shall set and enforce standards and rules governing the licensing, registration, and conduct of water well drillers, water well contractors, and monitoring well constructors.

(8) The board shall set fees commensurate with costs.

The board may establish fees, including but not 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 maintain records sufficient to support the fees charged for each program area.

(9) The rules of the board ~~shall~~ must be compiled in printed form for distribution to interested persons, for which the department may charge a fee. Sums realized from these sales ~~shall~~ must be deposited in the state special revenue fund for the use of the board.

(10) The board shall:

(a) authorize the department to issue licenses to qualified water well contractors, water well drillers, and monitoring well constructors in this state;

(b) cause examinations to be made of applicants for licenses;

(c) deny, revoke, or suspend licenses for good cause, after notice and opportunity to be heard;

(d) reinstate licenses previously revoked when justification is shown to the satisfaction of the board; and

(e) generally perform duties which will carry out this chapter.

(11) The board shall pay to the department its share of

the assessed costs of the department in administering this chapter."

Section 4. Section 37-43-302, MCA, is amended to read:

"37-43-302. License required. (1) The drilling, making, or construction of water wells and monitoring wells 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, water well driller, or monitoring well constructor as defined in this chapter, to construct, alter, or rehabilitate a water well or a monitoring well 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 or a separate license to install monitoring wells.

(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, provided:

(i) the land is used by him for farming, ranching, or agricultural purposes or as his residence;

(ii) the person obtains a permit from the board; and

(iii) the construction of the well conforms to the

minimum construction standards for water or monitoring wells set by board rule; or

(b) 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 water well at the direction and under the personal supervision of a licensed water well contractor or driller.

(3) (a) To obtain a permit under subsection (2)(a), 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 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 well is located on land that 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 meets the minimum standards for water wells or monitoring wells set by board rule."

Section 5. 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

1 contracting for drilling of water wells and monitoring
2 wells, the department shall inquire by examination or
3 otherwise into the qualifications of applicants for
4 licenses. Examinations may be oral, written, or both.

5 (2) The qualifications for a water well contractor's
6 license are:

7 (a) familiar knowledge of groundwater laws of this
8 state and sanitary standards for water well drilling and
9 construction of water wells;

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;

15 (e) possession of adequate equipment by the applicant
16 to complete satisfactory water wells under the standards of
17 the board;

18 (f) financial responsibility of the applicant;

19 (g) successful completion of an examination given by
20 the department; and

21 (h) completion of an apprenticeship of 1 year or more
22 under the direct supervision of a licensed water well
23 contractor or equivalent education, experience, or both, as
24 determined by the board.

25 (3) The qualifications for a water well driller's

1 license are:

2 (a) familiar knowledge of groundwater laws of this
3 state and sanitary standards for water well drilling and
4 water well construction;

5 (b) knowledge of types of water well construction;

6 (c) knowledge of types of drilling tools and their
7 uses;

8 (d) knowledge of geology in its relation to well
9 construction;

10 (e) employment by a licensed water well contractor;

11 (f) completion of an apprenticeship of 1 year or more
12 under the direct supervision of a licensed water well
13 contractor or driller or equivalent education, experience or
14 both, as determined by the board; and

15 (g) successful completion of an examination given by
16 the department.

17 (4) The qualifications for a license to construct
18 monitoring wells are:

19 (a) familiar knowledge of groundwater laws of this
20 state and sanitary standards for drilling and construction
21 of monitoring wells;

22 (b) knowledge of types of monitoring well
23 construction;

24 (c) knowledge of types of drilling tools used for
25 monitoring wells and their uses;

(d) knowledge of geology;

(e) financial responsibility of the applicant;

(f) 1 or more years of experience in drilling monitoring wells under the direct supervision of a licensed monitoring well constructor or equivalent education, experience, or both, as determined by the board; and

(g) successful completion of an examination related specifically to drilling of monitoring wells given by the department.

(5) The department shall give examinations at 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 meet the requirements of the board does not entitle the applicant to a refund of the fee."

Section 6. Section 37-43-306, MCA, is amended to read:

"37-43-306. Bond to be required. (1) The department, on issuance of a water well contractor's or monitoring well constructor's license under this chapter, shall require, before the person commences operations in this state, a good and sufficient surety bond or its equivalent in a certificate of deposit, cashier's check, bank draft, or

certified check, to be approved by the board, in the sum of \$4,000, conditioned that the licensee will comply with the rules of the board.

(2) A person who is licensed in more than one category need supply only one surety bond or its equivalent in a certificate of deposit, cashier's check, bank draft, or certified check, to be approved by the board, for \$4,000.

(3) A state or federal employee who is bonded by the state or federal government is not required to supply a bond during the course of his employment with the state or federal government. A bond is required if the person ceases government employment.

(4) In lieu of the requirements of subsections (1) through (3), a firm, corporation, or partnership having more than two licensed water well contractors or monitoring well constructors may submit one bond in the amount of \$10,000 for the entire firm, corporation, or partnership."

Section 7. 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 monitoring wells in another state applies for a Montana water well contractor's or, water well driller's, or monitoring well constructor'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

1 licensed are equal to or exceed those of Montana. However,
2 the board may require the applicant to successfully complete
3 an examination based on Montana statutes and rules relating
4 to the drilling of water wells or monitoring wells in this
5 state."

6 NEW SECTION. **Section 8.** Repealer. Section 16, chapter
7 538, Laws of 1987, MCA, is repealed.

8 NEW SECTION. **Section 9.** Extension of authority. Any
9 existing authority to make rules on the subject of the
10 provisions of [this act] is extended to the provisions of
11 [this act].

12 NEW SECTION. **Section 10.** Effective date. [This act]
13 is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB727, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act redefining "monitoring well"; requiring the board of water well contractors to adopt minimum standards for monitoring well construction, use, and abandonment; requiring certain persons to have a separate license to install monitoring wells; allowing education or experience to substitute for an apprenticeship for the purpose of obtaining a water well contractor's license, water well driller's license, or monitoring well constructor's license; modifying the bond requirement; applying the reciprocity law to out-of-state licensed monitoring well constructors; and providing an immediate effective date.

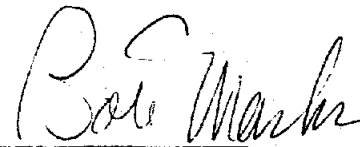
ASSUMPTIONS:

1. Under current law, the Board of Water Well Contractors (BWWC) implemented an application fee and planned to implement a renewal fee for FY91. The planned and implemented fees will not be effected by this act.
2. The proposed act will not change the number of persons seeking authorization to drill monitoring wells during the next biennium.
3. Costs associated with rule adoption, noticing, additional mailings, etc. can be absorbed in the proposed budget for FY90 and FY91.
4. No additional enforcement activities will be required during the 1991 biennium by the act.



RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 2/22/89



ROBERT L. MARKS, PRIMARY SPONSOR

DATE 2-27-89

Fiscal Note for HB727, as introduced

HB 727

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 727

INTRODUCED BY MARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REDEFINING "MONITORING WELL"; REQUIRING THE BOARD OF WATER WELL CONTRACTORS TO ADOPT MINIMUM STANDARDS FOR MONITORING WELL CONSTRUCTION, USE, AND ABANDONMENT; REQUIRING CERTAIN PERSONS TO HAVE A SEPARATE LICENSE TO INSTALL MONITORING WELLS; ALLOWING EDUCATION OR EXPERIENCE TO SUBSTITUTE FOR AN APPRENTICESHIP FOR THE PURPOSE OF OBTAINING A WATER WELL CONTRACTOR'S LICENSE, WATER WELL DRILLER'S LICENSE, OR MONITORING WELL CONSTRUCTOR'S LICENSE; MODIFYING THE BOND REQUIREMENT; APPLYING THE RECIPROCITY LAW TO OUT-OF-STATE LICENSED MONITORING WELL CONSTRUCTORS; AMENDING SECTIONS 37-43-102, 37-43-202, 37-43-302, 37-43-305, 37-43-306, AND 37-43-308, MCA; REPEALING SECTION 16, CHAPTER 538, LAWS OF 1987; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. 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" means an 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.

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

(3) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(4) "GEOTECHNICAL BORING" MEANS A HOLE DRILLED TO DETERMINE THE COMPOSITION, STABILITY, DENSITY, MOVEMENT, PRESSURE, STRATIGRAPHY, OR OTHER PHYSICAL PROPERTIES OF SOIL OR ROCK.

(5) "Monitoring well" means a well that is used for certain purposes, including pollutant recovery or monitoring groundwater quality or flow direction, but is not used for withdrawing groundwater for purposes other than water quality sampling or pump testing whose primary purpose is not the withdrawal or acquisition of groundwater. Monitoring well does not include geotechnical borings installed under the direction of a licensed professional engineer and, perk test holes, and groundwater exploration holes that are used to determine suitability of onsite sewage disposal by septic tank drain fields, OR lagoons, or both TO INVESTIGATE SHALLOW, NONPOTABLE, SEASONAL GROUNDWATER.

~~†5†~~(6) "Monitoring well constructor" means a natural person who ~~drills or supervises the drilling of~~ installs monitoring wells.

~~†6†~~(7) "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.

~~†7†~~(8) "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.

~~†8†~~(9) "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."

NEW SECTION. **Section 2.** Initial licensing as a

monitoring well constructor. (1) An applicant who submits an application for a monitoring well ~~constructor's~~ CONSTRUCTOR'S license before December 31, 1989, shall receive a license if the applicant:

(a) provides verification of 1 or more years' experience in installing monitoring wells within the 4 years preceding the application;

(b) pays a fee prescribed by the board of water well contractors in 37-43-303; and

(c) provides a bond in compliance with 37-43-306.

(2) A licensed water well contractor is not required to obtain a separate license to install monitoring wells, but shall meet the requirements of subsections (1)(b) and (1)(c) before being authorized to proceed with monitoring well installation.

Section 3. 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.

(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. 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 minimum standards regarding the construction, use, and abandonment of monitoring wells by January 17, 1989. The standards must be designed to protect the state's ground water resource from degradation by contamination and loss of hydrostatic pressure. A violation of the standards does not occur if it can be shown that noncompliance results in equal or greater protection of the ground water resource.

(5) The board may request the department to inspect water wells or monitoring wells drilled or being drilled, and the department has access to these wells at reasonable times.

(6) The board may establish a program for training apprentices and licensed or prospective water well contractors, water well drillers, and monitoring well

constructors to more effectively carry out this chapter.

(7) The board shall set and enforce standards and rules governing the licensing, registration, and conduct of water well drillers, water well contractors, and monitoring well constructors.

(8) The board shall set fees commensurate with costs. The board may establish fees, including but not 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 maintain records sufficient to support the fees charged for each program area.

(9) The rules of the board ~~shall~~ must be compiled in printed form for distribution to interested persons, for which the department may charge a fee. Sums realized from these sales ~~shall~~ must be deposited in the state special revenue fund for the use of the board.

(10) The board shall:

(a) authorize the department to issue licenses to qualified water well contractors, water well drillers, and monitoring well constructors in this state;

(b) cause examinations to be made of applicants for licenses;

(c) deny, revoke, or suspend licenses for good cause,

after notice and opportunity to be heard;

(d) reinstate licenses previously revoked when justification is shown to the satisfaction of the board; and

(e) generally perform duties which will carry out this chapter.

(11) The board shall pay to the department its share of the assessed costs of the department in administering this chapter."

Section 4. Section 37-43-302, MCA, is amended to read:

"37-43-302. License required. (1) The drilling, making, or construction of water wells and monitoring wells 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, water well driller, or monitoring well constructor as defined in this chapter, to construct, alter, or rehabilitate a water well or a monitoring well 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 or a separate license to install monitoring wells.

(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, provided:

(i) the land is used by him for farming, ranching, or agricultural purposes or as his residence;

(ii) the person obtains a permit from the board; and

(iii) the construction of the well conforms to the minimum construction standards for water or monitoring wells set by board rule; or

(b) 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 water well at the direction and under the personal supervision of a licensed water well contractor or driller.

(3) (a) To obtain a permit under subsection (2)(a), 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 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 well is located on land that 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 meets the minimum standards for water wells or monitoring wells set by board rule."

Section 5. 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 and monitoring wells, the department shall inquire by examination or otherwise into the qualifications of applicants for licenses. Examinations may be oral, written, or both.

(2) The qualifications for a 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;

(c) knowledge of types of drilling tools and their uses;

(d) knowledge of geology in its relation to well construction;

(e) possession of adequate equipment by the applicant to complete satisfactory water wells under the standards of the board;

(f) financial responsibility of the applicant;

(g) successful completion of an examination given by

the department; and

(h) completion of an apprenticeship of 1 year or more under the direct supervision of a licensed water well contractor or equivalent education, experience, or both, as determined by the board.

(3) The qualifications for a water well driller's license are:

(a) familiar knowledge of groundwater laws of this state and sanitary standards for water well drilling and water well construction;

(b) knowledge of types of water well construction;

(c) knowledge of types of drilling tools and their 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 under the direct supervision of a licensed water well contractor or driller or equivalent education, experience or both, as determined by the board; and

(g) successful completion of an examination given by the department.

(4) The qualifications for a license to construct monitoring wells are:

(a) familiar knowledge of groundwater laws of this

1 state and sanitary standards for drilling and construction
2 of monitoring wells;

3 (b) knowledge of types of monitoring well
4 construction;

5 (c) knowledge of types of drilling tools used for
6 monitoring wells and their uses;

7 (d) knowledge of geology;

8 (e) financial responsibility of the applicant;

9 (f) 1 or more years of experience in drilling
10 monitoring wells under the direct supervision of a licensed
11 monitoring well constructor or equivalent education,
12 experience, or both, as determined by the board; and

13 (g) successful completion of an examination related
14 specifically to drilling of monitoring wells given by the
15 department.

16 (5) The department shall give examinations at times
17 and places the board determines. Failure of an applicant to
18 successfully complete the examination disqualifies him from
19 making further application for a period of 3 months. The
20 board shall act within a reasonable time on applications for
21 licenses. An application shall be accompanied by the initial
22 fee, and failure to successfully meet the requirements of
23 the board does not entitle the applicant to a refund of the
24 fee."

25 **Section 6.** Section 37-43-306, MCA, is amended to read:

1 "37-43-306. Bond to be required. (1) The department,
2 on issuance of a water well contractor's or monitoring well
3 constructor's license under this chapter, shall require,
4 before the person commences operations in this state, a good
5 and sufficient surety bond or its equivalent in a
6 certificate of deposit, cashier's check, bank draft, or
7 certified check, to be approved by the board, in the sum of
8 \$4,000, conditioned that the licensee will comply with the
9 rules of the board.

10 (2) A person who is licensed in more than one category
11 need supply only one surety bond or its equivalent in a
12 certificate of deposit, cashier's check, bank draft, or
13 certified check, to be approved by the board, for \$4,000.

14 (3) A state or federal employee who is bonded by the
15 state or federal government is not required to supply a bond
16 during the course of his employment with the state or
17 federal government. A bond is required if the person ceases
18 government employment.

19 (4) In lieu of the requirements of subsections (1)
20 through (3), a firm, corporation, or partnership having more
21 than two licensed water well contractors or monitoring well
22 constructors may submit one bond in the amount of \$10,000
23 for the entire firm, corporation, or partnership."

24 **Section 7.** Section 37-43-308, MCA, is amended to read:

25 "37-43-308. Reciprocity. If a person holding a license

1 entitling him to drill water wells or monitoring wells in
2 another state applies for a Montana water well contractor's
3 or, water well driller's, or monitoring well constructor's
4 license, the board may waive the apprenticeship requirements
5 and examination requirements if it finds that the standards
6 and requirements of the state in which the applicant is
7 licensed are equal to or exceed those of Montana. However,
8 the board may require the applicant to successfully complete
9 an examination based on Montana statutes and rules relating
10 to the drilling of water wells or monitoring wells in this
11 state."

12 NEW SECTION. Section 8. Repealer. Section 16, chapter
13 538, Laws of 1987, MCA, is repealed.

14 NEW SECTION. Section 9. Extension of authority. Any
15 existing authority to make rules on the subject of the
16 provisions of [this act] is extended to the provisions of
17 [this act].

18 NEW SECTION. SECTION 10. APPLICABILITY. [THIS ACT]
19 APPLIES ONLY TO MONITORING WELLS DRILLED ON OR AFTER [THE
20 EFFECTIVE DATE OF THIS ACT].

21 NEW SECTION. Section 11. Effective date. [This act]
22 is effective on passage and approval.

-End-

1 HOUSE BILL NO. 727

2 INTRODUCED BY MARKS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REDEFINING "MONITORING
5 WELL"; REQUIRING THE BOARD OF WATER WELL CONTRACTORS TO
6 ADOPT MINIMUM STANDARDS FOR MONITORING WELL CONSTRUCTION,
7 USE, AND ABANDONMENT; REQUIRING CERTAIN PERSONS TO HAVE A
8 SEPARATE LICENSE TO INSTALL MONITORING WELLS; ALLOWING
9 EDUCATION OR EXPERIENCE TO SUBSTITUTE FOR AN APPRENTICESHIP
10 FOR THE PURPOSE OF OBTAINING A WATER WELL CONTRACTOR'S
11 LICENSE, WATER WELL DRILLER'S LICENSE, OR MONITORING WELL
12 CONSTRUCTOR'S LICENSE; MODIFYING THE BOND REQUIREMENT;
13 APPLYING THE RECIPROCITY LAW TO OUT-OF-STATE LICENSED
14 MONITORING WELL CONSTRUCTORS; AMENDING SECTIONS 37-43-102,
15 37-43-202, 37-43-302, 37-43-305, 37-43-306, AND 37-43-308,
16 MCA; REPEALING SECTION 16, CHAPTER 538, LAWS OF 1987; AND
17 PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE
18 DATE."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Section 37-43-102, MCA, is amended to read:

22 "37-43-102. Definitions. Unless the context requires
23 otherwise, in this chapter the following definitions apply:24 (1) "Apprentice water well driller" means an
25 individual who is learning the trade of water well drilling

1 and performs labor and services for a licensed water well
2 contractor and whose duties are directly related to well
3 drilling or drilling rig operation.

4 (2) "Board" means the board of water well contractors
5 provided for in 2-15-3307.6 (3) "Department" means the department of natural
7 resources and conservation provided for in Title 2, chapter
8 15, part 33.9 (4) "GEOTECHNICAL BORING" MEANS A HOLE DRILLED TO
10 DETERMINE THE COMPOSITION, STABILITY, DENSITY, MOVEMENT,
11 PRESSURE, STRATIGRAPHY, OR OTHER PHYSICAL PROPERTIES OF SOIL
12 OR ROCK.13 (4)(5) "Monitoring well" means a well that is used for
14 certain purposes, including pollutant recovery or monitoring
15 groundwater quality or flow direction, but is not used for
16 withdrawing groundwater for purposes other than water
17 quality sampling or pump testing whose primary purpose is
18 not the withdrawal or acquisition of groundwater.
19 Monitoring well does not include geotechnical borings
20 installed under the direction of a licensed professional
21 engineer and, perk test holes, and groundwater exploration
22 holes that are used to determine suitability of onsite
23 sewage disposal by septic tank drain fields, OR lagoons, or
24 both TO INVESTIGATE SHALLOW, NONPOTABLE, SEASONAL
25 GROUNDWATER.

1 †5†(6) "Monitoring well constructor" means a natural
2 person who ~~drills or supervises the drilling of~~ installs
3 monitoring wells.

4 †6†(7) "Water well" means an excavation that is
5 drilled, cored, bored, washed, driven, dug, jetted, or
6 otherwise constructed and intended for the location,
7 diversion, artificial recharge, or acquisition of
8 groundwater. The term does not include spring development or
9 excavations, by backhoe or otherwise, for recovery and use
10 of surface waters or for the purpose of stock watering or
11 irrigation where the depth is 25 feet or less. The term does
12 not include an excavation made for the purpose of obtaining
13 or prospecting for oil, natural gas, minerals, or products
14 of mining or quarrying or for inserting media to repressure
15 oil- or natural-gas-bearing formations or for storing
16 petroleum, natural gas, or other products.

17 †7†(8) "Water well contractor" or "contractor" means a
18 natural person who contracts on behalf of a firm,
19 corporation, partnership, or other business entity to
20 construct, alter, or rehabilitate a water well on lands
21 other than his own for compensation.

22 †8†(9) "Water well driller" or "driller" means any
23 person, other than an apprentice, at a drilling site causing
24 a water well to be drilled, altered, or rehabilitated."

25 NEW SECTION. Section 2. Initial licensing as a

1 monitoring well constructor. (1) An applicant who submits an
2 application for a monitoring well constructor's
3 CONSTRUCTOR'S license before December 31, 1989, shall
4 receive a license if the applicant:

5 (a) provides verification of 1 or more years'
6 experience in installing monitoring wells within the 4 years
7 preceding the application;

8 (b) pays a fee prescribed by the board of water well
9 contractors in 37-43-303; and

10 (c) provides a bond in compliance with 37-43-306.

11 (2) A licensed water well contractor is not required
12 to obtain a separate license to install monitoring wells,
13 but shall meet the requirements of subsections (1)(b) and
14 (1)(c) before being authorized to proceed with monitoring
15 well installation.

16 Section 3. Section 37-43-202, MCA, is amended to read:

17 "37-43-202. Powers and duties. (1) The board may
18 exercise the authority granted to it by this chapter.

19 (2) The board shall adopt rules and orders to
20 effectuate this chapter.

21 (3) The board shall adopt rules to establish mandatory
22 water well construction standards and enforcement
23 procedures. The standards must address the protection of the
24 drilling site; specifications for casing materials;
25 materials and specifications for well screens; casing

1 perforations; well development procedures; proper sealing
 2 and grouting; temporary capping; cleaning and disinfecting;
 3 bonds; guaranties; contractors' and drillers'
 4 qualifications; tests for yield and drawdown; reporting
 5 procedures and requirements for water quality, well logs,
 6 location of wells, and information relating to local
 7 conditions; well filters; access ports; gravel packing;
 8 sampling methods; plumbness and alignment of the hole and
 9 casing; well abandonment procedures; and other necessary and
 10 appropriate standards.

11 (4) The board shall adopt rules minimum standards
 12 regarding the construction, use, and abandonment of
 13 monitoring wells by January 1, 1989. The standards must be
 14 designed to protect the state's ground water resource from
 15 degradation by contamination and loss of hydrostatic
 16 pressure. A violation of the standards does not occur if it
 17 can be shown that noncompliance results in equal or greater
 18 protection of the ground water resource.

19 (5) The board may request the department to inspect
 20 water wells or monitoring wells drilled or being drilled,
 21 and the department has access to these wells at reasonable
 22 times.

23 (6) The board may establish a program for training
 24 apprentices and licensed or prospective water well
 25 contractors, water well drillers, and monitoring well

1 constructors to more effectively carry out this chapter.

2 (7) The board shall set and enforce standards and
 3 rules governing the licensing, registration, and conduct of
 4 water well drillers, water well contractors, and monitoring
 5 well constructors.

6 (8) The board shall set fees commensurate with costs.
 7 The board may establish fees, including but not limited to
 8 fees for application, examination, renewal, reciprocity,
 9 late renewal, and continuing education. Board costs not
 10 related to specific programs may be equitably distributed as
 11 determined by the board. The board shall maintain records
 12 sufficient to support the fees charged for each program
 13 area.

14 (9) The rules of the board ~~shall~~ must be compiled in
 15 printed form for distribution to interested persons, for
 16 which the department may charge a fee. Sums realized from
 17 these sales ~~shall~~ must be deposited in the state special
 18 revenue fund for the use of the board.

19 (10) The board shall:

20 (a) authorize the department to issue licenses to
 21 qualified water well contractors, water well drillers, and
 22 monitoring well constructors in this state;

23 (b) cause examinations to be made of applicants for
 24 licenses;

25 (c) deny, revoke, or suspend licenses for good cause,

1 after notice and opportunity to be heard;

2 (d) reinstate licenses previously revoked when
3 justification is shown to the satisfaction of the board; and

4 (e) generally perform duties which will carry out this
5 chapter.

6 (11) The board shall pay to the department its share of
7 the assessed costs of the department in administering this
8 chapter."

9 **Section 4.** Section 37-43-302, MCA, is amended to read:

10 "37-43-302. License required. (1) The drilling,
11 making, or construction of water wells and monitoring wells
12 is declared to be a business and activity affecting the
13 public interest, requiring reasonable standards of
14 competence. Except as provided in subsection (2), it is
15 unlawful for any water well contractor, water well driller,
16 or monitoring well constructor as defined in this chapter,
17 to construct, alter, or rehabilitate a water well or a
18 monitoring well without first having obtained a valid
19 license therefor as provided for in this chapter. An
20 individual who is licensed as a water well contractor is not
21 required to have a separate water well driller's license to
22 perform the actual construction work on the well or a
23 separate license to install monitoring wells.

24 (2) A license is not required for:

25 (a) a person who drills, alters, or rehabilitates a

1 water or monitoring well on land that is owned or leased by
2 him, provided:

3 (i) the land is used by him for farming, ranching, or
4 agricultural purposes or as his residence;

5 (ii) the person obtains a permit from the board; and

6 (iii) the construction of the well conforms to the
7 minimum construction standards for water or monitoring wells
8 set by board rule; or

9 (b) an apprentice water well driller who performs
10 labor or services for a licensed water well contractor or
11 driller in connection with the drilling of a water well at
12 the direction and under the personal supervision of a
13 licensed water well contractor or driller.

14 (3) (a) To obtain a permit under subsection (2)(a), a
15 person shall file with the department an application
16 containing the applicant's name, mailing address, the
17 location of the proposed well, the nature of the applicant's
18 ownership interest in the property on which the well is to
19 be located, the construction or installation method to be
20 used, and the use for the proposed well.

21 (b) The board shall promptly issue a permit if it
22 finds that:

23 (i) the well is located on land that the applicant
24 owns or leases and that he uses for farming, ranching, or
25 agricultural purposes or as his residence; and

(ii) the construction or installation method to be used meets the minimum standards for water wells or monitoring wells set by board rule."

Section 5. 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 and monitoring wells, the department shall inquire by examination or otherwise into the qualifications of applicants for licenses. Examinations may be oral, written, or both.

(2) The qualifications for a 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;

(c) knowledge of types of drilling tools and their uses;

(d) knowledge of geology in its relation to well construction;

(e) possession of adequate equipment by the applicant to complete satisfactory water wells under the standards of the board;

(f) financial responsibility of the applicant;

(g) successful completion of an examination given by

the department; and

(h) completion of an apprenticeship of 1 year or more under the direct supervision of a licensed water well contractor or equivalent education, experience, or both, as determined by the board.

(3) The qualifications for a water well driller's license are:

(a) familiar knowledge of groundwater laws of this state and sanitary standards for water well drilling and water well construction;

(b) knowledge of types of water well construction;

(c) knowledge of types of drilling tools and their 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 under the direct supervision of a licensed water well contractor or driller or equivalent education, experience or both, as determined by the board; and

(g) successful completion of an examination given by the department.

(4) The qualifications for a license to construct monitoring wells are:

(a) familiar knowledge of groundwater laws of this

1 state and sanitary standards for drilling and construction
2 of monitoring wells;

3 (b) knowledge of types of monitoring well
4 construction;

5 (c) knowledge of types of drilling tools used for
6 monitoring wells and their uses;

7 (d) knowledge of geology;

8 (e) financial responsibility of the applicant;

9 (f) 1 or more years of experience in drilling
10 monitoring wells under the direct supervision of a licensed
11 monitoring well constructor or equivalent education,
12 experience, or both, as determined by the board; and

13 (g) successful completion of an examination related
14 specifically to drilling of monitoring wells given by the
15 department.

16 (5) The department shall give examinations at times
17 and places the board determines. Failure of an applicant to
18 successfully complete the examination disqualifies him from
19 making further application for a period of 3 months. The
20 board shall act within a reasonable time on applications for
21 licenses. An application shall be accompanied by the initial
22 fee, and failure to successfully meet the requirements of
23 the board does not entitle the applicant to a refund of the
24 fee."

25 **Section 6.** Section 37-43-306, MCA, is amended to read:

1 "37-43-306. Bond to be required. (1) The department,
2 on issuance of a water well contractor's or monitoring well
3 constructor's license under this chapter, shall require,
4 before the person commences operations in this state, a good
5 and sufficient surety bond or its equivalent in a
6 certificate of deposit, cashier's check, bank draft, or
7 certified check, to be approved by the board, in the sum of
8 \$4,000, conditioned that the licensee will comply with the
9 rules of the board.

10 (2) A person who is licensed in more than one category
11 need supply only one surety bond or its equivalent in a
12 certificate of deposit, cashier's check, bank draft, or
13 certified check, to be approved by the board, for \$4,000.

14 (3) A state or federal employee who is bonded by the
15 state or federal government is not required to supply a bond
16 during the course of his employment with the state or
17 federal government. A bond is required if the person ceases
18 government employment.

19 (4) In lieu of the requirements of subsections (1)
20 through (3), a firm, corporation, or partnership having more
21 than two licensed water well contractors or monitoring well
22 constructors may submit one bond in the amount of \$10,000
23 for the entire firm, corporation, or partnership."

24 **Section 7.** Section 37-43-308, MCA, is amended to read:

25 "37-43-308. Reciprocity. If a person holding a license

1 entitling him to drill water wells or monitoring wells in
 2 another state applies for a Montana water well contractor's
 3 or, water well driller's, or monitoring well constructor's
 4 license, the board may waive the apprenticeship requirements
 5 and examination requirements if it finds that the standards
 6 and requirements of the state in which the applicant is
 7 licensed are equal to or exceed those of Montana. However,
 8 the board may require the applicant to successfully complete
 9 an examination based on Montana statutes and rules relating
 10 to the drilling of water wells or monitoring wells in this
 11 state."

12 NEW SECTION. Section 8. Repealer. Section 16, chapter
 13 538, Laws of 1987, MCA, is repealed.

14 NEW SECTION. Section 9. Extension of authority. Any
 15 existing authority to make rules on the subject of the
 16 provisions of [this act] is extended to the provisions of
 17 [this act].

18 NEW SECTION. SECTION 10. APPLICABILITY. [THIS ACT]
 19 APPLIES ONLY TO MONITORING WELLS DRILLED ON OR AFTER [THE
 20 EFFECTIVE DATE OF THIS ACT].

21 NEW SECTION. Section 11. Effective date. [This act]
 22 is effective on passage and approval.

-End-

SENATE STANDING COMMITTEE REPORT

March 13, 1989

MR. PRESIDENT:

We, your committee on Natural Resources, having had under consideration HB 727 (third reading copy -- blue), respectfully report that HB 727 be amended and as so amended be concurred in:

Sponsor: Marks (Meyer)

1. Page 2, line 9.

Following: "HOLE"

Strike: "DRILLED"

Insert: "intended solely"

2. Page 2, line 15.

Following: "quality"

Insert: ", groundwater levels,"

3. Page 2, lines 23 through 25.

Following: "lagoons"

Strike: remainder of line 23 through "GROUNDWATER" on line 25

AND AS AMENDED BE CONCURRED IN

Signed:


Thomas F. Keating, Chairman

HB 727
SENATE

1 HOUSE BILL NO. 727
2 INTRODUCED BY MARKS
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REDEFINING "MONITORING
5 WELL"; REQUIRING THE BOARD OF WATER WELL CONTRACTORS TO
6 ADOPT MINIMUM STANDARDS FOR MONITORING WELL CONSTRUCTION,
7 USE, AND ABANDONMENT; REQUIRING CERTAIN PERSONS TO HAVE A
8 SEPARATE LICENSE TO INSTALL MONITORING WELLS; ALLOWING
9 EDUCATION OR EXPERIENCE TO SUBSTITUTE FOR AN APPRENTICESHIP
10 FOR THE PURPOSE OF OBTAINING A WATER WELL CONTRACTOR'S
11 LICENSE, WATER WELL DRILLER'S LICENSE, OR MONITORING WELL
12 CONSTRUCTOR'S LICENSE; MODIFYING THE BOND REQUIREMENT;
13 APPLYING THE RECIPROCITY LAW TO OUT-OF-STATE LICENSED
14 MONITORING WELL CONSTRUCTORS; AMENDING SECTIONS 37-43-102,
15 37-43-202, 37-43-302, 37-43-305, 37-43-306, AND 37-43-308,
16 MCA; REPEALING SECTION 16, CHAPTER 538, LAWS OF 1987; AND
17 PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE
18 DATE."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 **Section 1.** Section 37-43-102, MCA, is amended to read:

22 "37-43-102. Definitions. Unless the context requires
23 otherwise, in this chapter the following definitions apply:

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

1 and performs labor and services for a licensed water well
2 contractor and whose duties are directly related to well
3 drilling or drilling rig operation.

4 (2) "Board" means the board of water well contractors
5 provided for in 2-15-3307.

6 (3) "Department" means the department of natural
7 resources and conservation provided for in Title 2, chapter
8 15, part 33.

9 (4) "GEOTECHNICAL BORING" MEANS A HOLE DRILLED
10 INTENDED SOLELY TO DETERMINE THE COMPOSITION, STABILITY,
11 DENSITY, MOVEMENT, PRESSURE, STRATIGRAPHY, OR OTHER PHYSICAL
12 PROPERTIES OF SOIL OR ROCK.

13 (4)(5) "Monitoring well" means a well that is used for
14 certain purposes, including pollutant recovery or monitoring
15 groundwater quality, GROUNDWATER LEVELS, or flow direction,
16 but is not used for withdrawing groundwater for purposes
17 other than water quality sampling or pump testing whose
18 primary purpose is not the withdrawal or acquisition of
19 groundwater. Monitoring well does not include geotechnical
20 borings installed under the direction of a licensed
21 professional engineer and, perk test holes, and groundwater
22 exploration holes that are used to determine suitability of
23 onsite sewage disposal by septic tank drain fields, OR
24 lagoons, or both TO INVESTIGATE SHALLOW NONPOTABLE,
25 SEASONAL GROUNDWATER.

1 ~~{5}{6}~~ "Monitoring well constructor" means a natural
 2 person who ~~drills or supervises the drilling of~~ installs
 3 monitoring wells.

4 ~~{6}{7}~~ "Water well" means an excavation that is
 5 drilled, cored, bored, washed, driven, dug, jetted, or
 6 otherwise constructed and intended for the location,
 7 diversion, artificial recharge, or acquisition of
 8 groundwater. The term does not include spring development or
 9 excavations, by backhoe or otherwise, for recovery and use
 10 of surface waters or for the purpose of stock watering or
 11 irrigation where the depth is 25 feet or less. The term does
 12 not include an excavation made for the purpose of obtaining
 13 or prospecting for oil, natural gas, minerals, or products
 14 of mining or quarrying or for inserting media to repressure
 15 oil- or natural-gas-bearing formations or for storing
 16 petroleum, natural gas, or other products.

17 ~~{7}{8}~~ "Water well contractor" or "contractor" means a
 18 natural person who contracts on behalf of a firm,
 19 corporation, partnership, or other business entity to
 20 construct, alter, or rehabilitate a water well on lands
 21 other than his own for compensation.

22 ~~{8}{9}~~ "Water well driller" or "driller" means any
 23 person, other than an apprentice, at a drilling site causing
 24 a water well to be drilled, altered, or rehabilitated."

25 NEW SECTION. Section 2. Initial licensing as a

1 monitoring well constructor. (1) An applicant who submits an
 2 application for a monitoring well ~~constructor's~~
 3 CONSTRUCTOR'S license before December 31, 1989, shall
 4 receive a license if the applicant:

5 (a) provides verification of 1 or more years'
 6 experience in installing monitoring wells within the 4 years
 7 preceding the application;

8 (b) pays a fee prescribed by the board of water well
 9 contractors in 37-43-303; and

10 (c) provides a bond in compliance with 37-43-306.

11 (2) A licensed water well contractor is not required
 12 to obtain a separate license to install monitoring wells,
 13 but shall meet the requirements of subsections (1)(b) and
 14 (1)(c) before being authorized to proceed with monitoring
 15 well installation.

16 Section 3. Section 37-43-202, MCA, is amended to read:

17 "37-43-202. Powers and duties. (1) The board may
 18 exercise the authority granted to it by this chapter.

19 (2) The board shall adopt rules and orders to
 20 effectuate this chapter.

21 (3) The board shall adopt rules to establish mandatory
 22 water well construction standards and enforcement
 23 procedures. The standards must address the protection of the
 24 drilling site; specifications for casing materials;
 25 materials and specifications for well screens; casing

1 perforations; well development procedures; proper sealing
 2 and grouting; temporary capping; cleaning and disinfecting;
 3 bonds; guaranties; contractors' and drillers'
 4 qualifications; tests for yield and drawdown; reporting
 5 procedures and requirements for water quality, well logs,
 6 location of wells, and information relating to local
 7 conditions; well filters; access ports; gravel packing;
 8 sampling methods; plumbness and alignment of the hole and
 9 casing; well abandonment procedures; and other necessary and
 10 appropriate standards.

11 (4) The board shall adopt rules minimum standards
 12 regarding the construction, use, and abandonment of
 13 monitoring wells by January 1, 1989. The standards must be
 14 designed to protect the state's ground water resource from
 15 degradation by contamination and loss of hydrostatic
 16 pressure. A violation of the standards does not occur if it
 17 can be shown that noncompliance results in equal or greater
 18 protection of the ground water resource.

19 (5) The board may request the department to inspect
 20 water wells or monitoring wells drilled or being drilled,
 21 and the department has access to these wells at reasonable
 22 times.

23 (6) The board may establish a program for training
 24 apprentices and licensed or prospective water well
 25 contractors, water well drillers, and monitoring well

1 constructors to more effectively carry out this chapter.

2 (7) The board shall set and enforce standards and
 3 rules governing the licensing, registration, and conduct of
 4 water well drillers, water well contractors, and monitoring
 5 well constructors.

6 (8) The board shall set fees commensurate with costs.
 7 The board may establish fees, including but not limited to
 8 fees for application, examination, renewal, reciprocity,
 9 late renewal, and continuing education. Board costs not
 10 related to specific programs may be equitably distributed as
 11 determined by the board. The board shall maintain records
 12 sufficient to support the fees charged for each program
 13 area.

14 (9) The rules of the board ~~shall~~ must be compiled in
 15 printed form for distribution to interested persons, for
 16 which the department may charge a fee. Sums realized from
 17 these sales ~~shall~~ must be deposited in the state special
 18 revenue fund for the use of the board.

19 (10) The board shall:

20 (a) authorize the department to issue licenses to
 21 qualified water well contractors, water well drillers, and
 22 monitoring well constructors in this state;

23 (b) cause examinations to be made of applicants for
 24 licenses;

25 (c) deny, revoke, or suspend licenses for good cause,

1 after notice and opportunity to be heard;

2 (d) reinstate licenses previously revoked when
3 justification is shown to the satisfaction of the board; and

4 (e) generally perform duties which will carry out this
5 chapter.

6 (11) The board shall pay to the department its share of
7 the assessed costs of the department in administering this
8 chapter."

9 **Section 4.** Section 37-43-302, MCA, is amended to read:

10 "37-43-302. License required. (1) The drilling,
11 making, or construction of water wells and monitoring wells
12 is declared to be a business and activity affecting the
13 public interest, requiring reasonable standards of
14 competence. Except as provided in subsection (2), it is
15 unlawful for any water well contractor, water well driller,
16 or monitoring well constructor as defined in this chapter,
17 to construct, alter, or rehabilitate a water well or a
18 monitoring well without first having obtained a valid
19 license therefor as provided for in this chapter. An
20 individual who is licensed as a water well contractor is not
21 required to have a separate water well driller's license to
22 perform the actual construction work on the well or a
23 separate license to install monitoring wells.

24 (2) A license is not required for:

25 (a) a person who drills, alters, or rehabilitates a

1 water or monitoring well on land that is owned or leased by
2 him, provided:

3 (i) the land is used by him for farming, ranching, or
4 agricultural purposes or as his residence;

5 (ii) the person obtains a permit from the board; and

6 (iii) the construction of the well conforms to the
7 minimum construction standards for water or monitoring wells
8 set by board rule; or

9 (b) an apprentice water well driller who performs
10 labor or services for a licensed water well contractor or
11 driller in connection with the drilling of a water well at
12 the direction and under the personal supervision of a
13 licensed water well contractor or driller.

14 (3) (a) To obtain a permit under subsection (2)(a), a
15 person shall file with the department an application
16 containing the applicant's name, mailing address, the
17 location of the proposed well, the nature of the applicant's
18 ownership interest in the property on which the well is to
19 be located, the construction or installation method to be
20 used, and the use for the proposed well.

21 (b) The board shall promptly issue a permit if it
22 finds that:

23 (i) the well is located on land that the applicant
24 owns or leases and that he uses for farming, ranching, or
25 agricultural purposes or as his residence; and

(ii) the construction or installation method to be used meets the minimum standards for water wells or monitoring wells set by board rule."

Section 5. 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 and monitoring wells, the department shall inquire by examination or otherwise into the qualifications of applicants for licenses. Examinations may be oral, written, or both.

(2) The qualifications for a 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;

(c) knowledge of types of drilling tools and their uses;

(d) knowledge of geology in its relation to well construction;

(e) possession of adequate equipment by the applicant to complete satisfactory water wells under the standards of the board;

(f) financial responsibility of the applicant;

(g) successful completion of an examination given by

the department; and

(h) completion of an apprenticeship of 1 year or more under the direct supervision of a licensed water well contractor or equivalent education, experience, or both, as determined by the board.

(3) The qualifications for a water well driller's license are:

(a) familiar knowledge of groundwater laws of this state and sanitary standards for water well drilling and water well construction;

(b) knowledge of types of water well construction;

(c) knowledge of types of drilling tools and their 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 under the direct supervision of a licensed water well contractor or driller or equivalent education, experience or both, as determined by the board; and

(g) successful completion of an examination given by the department.

(4) The qualifications for a license to construct monitoring wells are:

(a) familiar knowledge of groundwater laws of this

1 state and sanitary standards for drilling and construction
2 of monitoring wells;

3 (b) knowledge of types of monitoring well
4 construction;

5 (c) knowledge of types of drilling tools used for
6 monitoring wells and their uses;

7 (d) knowledge of geology;

8 (e) financial responsibility of the applicant;

9 (f) 1 or more years of experience in drilling
10 monitoring wells under the direct supervision of a licensed
11 monitoring well constructor or equivalent education,
12 experience, or both, as determined by the board; and

13 (g) successful completion of an examination related
14 specifically to drilling of monitoring wells given by the
15 department.

16 (5) The department shall give examinations at times
17 and places the board determines. Failure of an applicant to
18 successfully complete the examination disqualifies him from
19 making further application for a period of 3 months. The
20 board shall act within a reasonable time on applications for
21 licenses. An application shall be accompanied by the initial
22 fee, and failure to successfully meet the requirements of
23 the board does not entitle the applicant to a refund of the
24 fee."

25 **Section 8.** Section 37-43-306, MCA, is amended to read:

1 **"37-43-306. Bond to be required.** (1) The department,
2 on issuance of a water well contractor's or monitoring well
3 constructor's license under this chapter, shall require,
4 before the person commences operations in this state, a good
5 and sufficient surety bond or its equivalent in a
6 certificate of deposit, cashier's check, bank draft, or
7 certified check, to be approved by the board, in the sum of
8 \$4,000, conditioned that the licensee will comply with the
9 rules of the board.

10 (2) A person who is licensed in more than one category
11 need supply only one surety bond or its equivalent in a
12 certificate of deposit, cashier's check, bank draft, or
13 certified check, to be approved by the board, for \$4,000.

14 (3) A state or federal employee who is bonded by the
15 state or federal government is not required to supply a bond
16 during the course of his employment with the state or
17 federal government. A bond is required if the person ceases
18 government employment.

19 (4) In lieu of the requirements of subsections (1)
20 through (3), a firm, corporation, or partnership having more
21 than two licensed water well contractors or monitoring well
22 constructors may submit one bond in the amount of \$10,000
23 for the entire firm, corporation, or partnership."

24 **Section 7.** Section 37-43-308, MCA, is amended to read:

25 **"37-43-308. Reciprocity.** If a person holding a license

1 entitling him to drill water wells or monitoring wells in
 2 another state applies for a Montana water well contractor's
 3 or, water well driller's, or monitoring well constructor's
 4 license, the board may waive the apprenticeship requirements
 5 and examination requirements if it finds that the standards
 6 and requirements of the state in which the applicant is
 7 licensed are equal to or exceed those of Montana. However,
 8 the board may require the applicant to successfully complete
 9 an examination based on Montana statutes and rules relating
 10 to the drilling of water wells or monitoring wells in this
 11 state."

12 NEW SECTION. Section 8. Repealer. Section 16, chapter
 13 538, Laws of 1987, MCA, is repealed.

14 NEW SECTION. Section 9. Extension of authority. Any
 15 existing authority to make rules on the subject of the
 16 provisions of [this act] is extended to the provisions of
 17 [this act].

18 NEW SECTION. SECTION 10. APPLICABILITY. [THIS ACT]
 19 APPLIES ONLY TO MONITORING WELLS DRILLED ON OR AFTER [THE
 20 EFFECTIVE DATE OF THIS ACT].

21 NEW SECTION. Section 11. Effective date. [This act]
 22 is effective on passage and approval.

-End-