



**House Boards, Agencies and Commissions Reported
Substitute for HB270**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Department of Environmental Management and the licensing of well drillers; to amend Sections 22-24-1, 22-24-2, 22-24-3, 22-24-4, 22-24-5, 22-24-7, 22-24-8, and 22-24-11 of the Code of Alabama 1975; to further provide for the licensing of water well drillers and other drillers doing similar underground drilling; to increase the fees for licensure and provide a two-year licensure period; to require continuing education of licensees; and to authorize the Environmental Management Commission to adopt rules, including a fee schedule for the filing of each water well completion certification.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 22-24-1, 22-24-2, 22-24-3, 22-24-4, 22-24-5, 22-24-7, 22-24-8, and 22-24-11 of the Code of Alabama 1975, are amended to read as follows:

"§22-24-1

For the purpose of this chapter, the following ~~terms~~ words ~~shall~~ have the following meanings ~~respectively ascribed to them by this section~~:

(1) ~~BOARD. The Alabama Department of Environmental~~



**House Boards, Agencies and Commissions Reported
Substitute for HB270**

29 ~~Management.~~COMMISSION. The Environmental Management
30 Commission.

31 (2) ~~DIRECTOR. The Director of the Alabama Department of~~
32 ~~Environmental Management.~~DEPARTMENT. The Alabama Department of
33 Environmental Management.

34 (3) DRILL. To drill or redrill, bore, auger, dig, or
35 otherwise construct a water well.

36 (4) DRILLER. Any person who manages or supervises the
37 drilling of a water well.

38 (5) LICENSEE. Any person required to be licensed under
39 this chapter.

40 ~~(5)~~ (6) LOG. A record of the type of material or rock
41 penetrated in the drilling of a water well.

42 ~~(6)~~ (7) PERSON. Any individual, ~~organization, group,~~
43 ~~association,~~ partnership, corporation, or any ~~combination of~~
44 ~~them~~ other business entity operating ~~a business~~ to drill water
45 wells.

46 ~~(7)~~ (8) SAMPLE. Cuttings or other fragments of rock or
47 soil materials removed from the well.

48 ~~(8)~~ (9) WATER WELL. A hole drilled for the production of
49 water.

50 (10) WELL. A hole drilled for a water well or other
51 purposes as defined and licensed pursuant to this chapter or
52 other activity related to water well construction or
53 maintenance, such as pump repair or replacement."

54 "§22-24-2

55 (a) It is the intent of the Legislature that this
56 chapter applies ~~solely~~ to wells drilled for the production of



**House Boards, Agencies and Commissions Reported
Substitute for HB270**

57 water and other underground drilling activity and related
58 activity as provided in this chapter.

59 (b) This chapter has no application to wells or holes
60 drilled, augered, cored, or dug for quarry blast holes or
61 mineral prospecting ~~or any purpose other than water~~
62 ~~production.~~"

63 "§22-24-3

64 (a) ~~The board is authorized and directed to make,~~
65 ~~promulgate and publish such~~ commission shall adopt rules ~~and~~
66 ~~regulations~~ as it deems reasonable and necessary to ~~effectuate~~
67 ~~and~~ carry out the purpose ~~and provisions~~ of this chapter, ~~and~~
68 ~~a true copy of such rules and regulations shall be kept on~~
69 ~~file with the Secretary of State and copies thereof shall be~~
70 ~~made available for public distribution.~~

71 (b) The rules shall be adopted pursuant to the Alabama
72 Administrative Procedure Act, Chapter 22 of Title 41.
73 Notwithstanding any other provision of law, no additional
74 publication or notice shall be required for the adoption of
75 rules other than compliance with the Alabama Administrative
76 Procedure Act.

77 (c) Prior to any rule change being proposed by the
78 commission, the department shall consult with the Alabama
79 Ground Water Association and other affected parties not less
80 than 60 days prior to any rule change being published in the
81 Alabama Administrative Monthly.

82 (d) The ~~board~~ department shall ~~cause~~ be responsible for
83 the enforcement of this chapter and all rules ~~and regulations~~
84 ~~it promulgates to be enforced~~ adopted pursuant to this



**House Boards, Agencies and Commissions Reported
Substitute for HB270**

85 chapter."

86 "§22-24-4

87 It shall be unlawful for any person to operate any
88 equipment or machinery in the drilling or repair of a water
89 well or other well unless the overall operation is, at all
90 times, under the supervision and management of a licensed
91 ~~water well~~ driller or licensed person as provided for in this
92 chapter."

93 "§22-24-5

94 ~~Every person who intends to drill water wells within~~
95 ~~the State of Alabama shall annually obtain from the board a~~
96 ~~water well driller's license and, in order to obtain said~~
97 ~~license, shall file with the board, in accordance with rules~~
98 ~~and regulations as established by the board, an application~~
99 ~~form, to be made available by the board. Any person, upon~~
100 ~~filing said application and receiving approval of the board,~~
101 ~~shall pay an annual fee of \$200.00 to the board, and the~~
102 ~~payment of said fee shall entitle said person to the full and~~
103 ~~complete privileges of drilling water wells, as provided in~~
104 ~~this chapter, and the board shall issue a license for a period~~
105 ~~not to exceed one year. Said annual fee paid to the board~~
106 ~~shall not exempt a person from additional state or county~~
107 ~~privilege taxes.~~ (a) Any person who manages or supervises the
108 drilling of a water well, repairs or installs a well pump,
109 constructs or repairs environmental wells, or constructs
110 geothermal systems shall be licensed under this chapter.
111 (b) The department shall issue two types of licenses
112 pursuant to this chapter as follows:



**House Boards, Agencies and Commissions Reported
Substitute for HB270**

113 (1) An Unrestricted Water Well Driller's License. A
114 license that authorizes a person holding a Water Well
115 Driller's License to engage to the full extent as otherwise
116 authorized by this chapter related to the business of drilling
117 and constructing water wells; installing and servicing pumps
118 and related water well equipment, including geothermal systems
119 and other specialized well or borehole construction; and any
120 other work involving drilling, grouting, plugging, abandoning,
121 or decommissioning water wells, other wells, and boreholes;
122 and any other similar and related activities.

123 (2) A Restricted License. A specialty driller's or pump
124 installer's license restricted to performance of only those
125 activities specified in the conditions of the license.
126 Restrictions shall be placed on the licenses of any person who
127 does either of the following:

128 a. Only engages in specialized well construction such
129 as drilling or constructing environmental monitoring wells or
130 constructing geothermal systems.

131 b. Only engages in limited aspects of the water well
132 construction business such as pump and well equipment
133 installation and service.

134 (c) A license may be issued to an individual or to a
135 business entity in the name of the business entity. A license
136 may be issued to a business entity only if the entity has a
137 principal or key employee who is licensed and specifically
138 listed on the license.

139 (d) All licenses issued by the department shall be
140 valid for a two-year license period commencing on October 1,



**House Boards, Agencies and Commissions Reported
Substitute for HB270**

141 2025.

142 (e) The license fees are as follows:

143 (1) An unrestricted license fee shall be one thousand
144 dollars (\$1,000).

145 (2) A restricted license fee shall be five hundred
146 dollars (\$500).

147 (3) A business entity license fee shall be five hundred
148 dollars (\$500).

149 (f) The license renewal shall be due on October 1 and
150 shall be delinquent if not paid by December 31 of each renewal
151 period. Any renewal that is delinquent may be renewed by the
152 payment of an additional delinquency fee of twenty dollars
153 (\$20) per month of delinquency, up to one year.

154 (g) Each initial license shall only be granted to an
155 individual. The individual shall be subject to examination by
156 testing and required to meet all requirements as provided by
157 rule of the department. The license fee for a new licensee
158 shall be prorated on a monthly basis for the balance of the
159 license period.

160 (h) Commencing on the renewal of each license for the
161 license period beginning on October 1, 2027, each individual
162 licensee shall submit proof of completion of continuing
163 education approved by the department to renew a license as
164 follows:

165 (1) For an unrestricted license, proof of completion of
166 six hours of continuing education.

167 (2) For a restricted license, proof of completion of
168 three hours of continuing education.



**House Boards, Agencies and Commissions Reported
Substitute for HB270**

169 (i) Any licensee who fails to submit proof of
170 completion of the required continuing education shall be given
171 a grace period to complete the required continuing education
172 until March 31 after the commencement of the new license
173 period.

174 (j) A license required by this chapter shall authorize
175 the licensee to engage in the activities in this state as
176 provided in this chapter."

177 "§22-24-7

178 (a) A license may be refused or a license duly issued
179 may be suspended or revoked, or the renewal thereof refused by
180 the ~~board~~ department, if, after notice and hearing as provided
181 in this section, ~~it~~ the department finds that the applicant
182 for, or holder of, ~~such~~ a license:

183 (1) Is unable to present evidence of his or her
184 qualifications suitable to the ~~board~~ department;

185 (2) Has intentionally made a material misstatement in
186 the application for ~~such~~ the license;

187 (3) Has willfully violated any provision of this
188 chapter;

189 (4) Has obtained, or attempted to obtain, ~~such~~ the
190 license by fraud or misrepresentation;

191 (5) Has been guilty of fraudulent or dishonest
192 practices; or

193 (6) Has demonstrated lack of competence as a driller of
194 water wells.

195 (b) Before any license ~~shall be~~ is refused, or
196 suspended or revoked, or the renewal thereof refused, under



House Boards, Agencies and Commissions Reported Substitute for HB270

197 this section, the ~~board~~ department shall give notice of its
198 intention to do so by registered or certified mail to the
199 applicant for, or holder of, ~~such~~ the license and shall set a
200 date not less than 20 days from the date of mailing ~~such~~ the
201 notice when the applicant or licensee may appear to be heard
202 and produce evidence. In the conduct of ~~such~~ the hearing, the
203 ~~board~~ department, or an authorized representative specially
204 designated by it for ~~such~~ that purpose, shall have power to
205 administer oaths, to require the appearance of and examine any
206 person under oath, and to require the production of books,
207 records, or papers relevant to the inquiry upon its own
208 initiative or upon the request of the applicant or licensee.
209 Upon termination of ~~such~~ the hearing, the findings shall be
210 reduced to writing and, upon approval by the ~~board~~ department,
211 ~~shall be filed in its office and~~ notice of the findings and
212 resulting decision shall be sent by registered or certified
213 mail to the applicant or licensee concerned.

214 (c) No licensee whose license has been revoked under
215 this section shall be entitled to file another application for
216 a license as a water well driller or otherwise under this
217 chapter within one year from the effective date of such
218 revocation or, if judicial review of ~~such~~ the revocation is
219 sought, within one year from the date of final court order or
220 judgment affirming ~~such~~ the revocation. ~~Such~~ The application,
221 when filed, may be refused by the ~~board~~ department unless the
222 applicant shows good cause why revocation of ~~his~~ the license
223 shall not be deemed a bar to the issuance of a new license."

224 "§22-24-8



House Boards, Agencies and Commissions Reported Substitute for HB270

225 ~~It shall be unlawful and a violation of this chapter to~~
226 ~~drill a water well within the State of Alabama unless the~~
227 ~~following provisions are complied with:~~

228 ~~(1)~~ (a) The driller of the water well or other well, or
229 a business entity performing any activities required to be
230 licensed under this chapter, shall be licensed as provided in
231 Section 22-24-5 in order to engage in well-drilling activity
232 and, in addition, shall comply with all of the following-:

233 ~~(2)~~ (1) The driller shall, at all times during the
234 drilling of a water well or other drilling, keep posted in a
235 conspicuous location, ~~at or near the well being drilled or on~~
236 ~~his person, the appropriate license certificate as furnished~~
237 on the drilling equipment an annual sticker issued by the
238 ~~board~~ department.

239 ~~(3)~~ (2) Before the commencement of the drilling
240 operation, the driller shall file an application of intent to
241 drill a water well, as directed by the ~~board~~ department.

242 ~~(4)~~ (3) ~~The driller of the well, within~~ Within 30 days
243 after completion of the drilling of each water well, the
244 driller shall deliver to the ~~board~~ department a water well
245 completion certification form, ~~upon forms to be supplied by~~
246 ~~the board, a "report of well drilled".~~ The ~~board~~ department
247 shall notify the local health authorities only for potable and
248 agricultural wells within seven days of the receipt thereof.

249 ~~(5)~~ (4) The driller shall furnish a log and a set of
250 samples to the State Geological Survey from wells specifically
251 designated by the ~~board~~ department or State Geologist. The
252 samples shall be collected during the drilling at intervals of



**House Boards, Agencies and Commissions Reported
Substitute for HB270**

253 not more than 10 feet.

254 (b) The commission by rule may adopt a fee schedule for
255 fees due on the filing of a water well completion
256 certification. The fee schedule may not exceed one thousand
257 dollars (\$1,000) set by rule based on whether a well is used
258 for an industrial, commercial, or domestic purpose or other
259 criteria as provided by rule. The fee for a single-family
260 residence or duplex may not exceed two hundred fifty dollars
261 (\$250). The fees may be paid electronically. All fees shall be
262 deposited in the Environmental Management Fund earmarked for
263 the administration of this chapter and shall not revert to the
264 State General Fund at the end of each fiscal year."

265 "§22-24-11

266 Any person ~~guilty of violating any of the provisions of~~
267 failing to comply with this chapter or violating any rule
268 adopted pursuant to this chapter ~~or the rules and regulations~~
269 ~~adopted thereunder shall be guilty of a misdemeanor and may be~~
270 ~~punished by a fine of not less than \$100.00 nor more than~~
271 ~~\$500.00 for each violation. Each day the violation continues~~
272 ~~shall be considered a separate violation. Any and all funds~~
273 ~~derived from such fines shall be deposited with the State~~
274 ~~Treasurer in the Alabama Department of Environmental~~
275 ~~Management Fund~~ is subject to Section 22-22A-5 of the
276 Environmental Management Act."

277 Section 2. All rules of the Department of Environmental
278 Management in Division 335-9 of the Alabama Administrative
279 Code shall continue as rules of the Environmental Management
280 Commission until amended or repealed.



**House Boards, Agencies and Commissions Reported
Substitute for HB270**

281 Section 3. This act shall become effective on October
282 1, 2025.