### HB270 ENGROSSED



- 1 HB270
- 2 CXXVEWJ-2
- 3 By Representatives Hammett, Hulsey, Robertson
- 4 RFD: Boards, Agencies and Commissions
- 5 First Read: 13-Feb-25



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5	A BILL
6	TO BE ENTITLED
7	AN ACT
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9	Relating to the Alabama Department of Environmental
10	Management and the licensing of well drillers; to amend
11	Sections 22-24-1, 22-24-2, 22-24-3, 22-24-4, 22-24-5, 22-24-7,
12	22-24-8, and 22-24-11 of the Code of Alabama 1975; to further
13	provide for the licensing of water well drillers and other
14	drillers doing similar underground drilling; to increase the
15	fees for licensure and provide a two-year licensure period; to
16	require continuing education of licensees; and to authorize
17	the Environmental Management Commission to adopt rules,
18	including a fee schedule for the filing of each water well
19	completion certification.
20	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
21	Section 1. Sections 22-24-1, 22-24-2, 22-24-3, 22-24-4,
22	22-24-5, 22-24-7, 22-24-8, and 22-24-11 of the Code of Alabama
23	1975, are amended to read as follows:
24	<b>"</b> \$22-24-1
25	For the purpose of this chapter, the following terms
26	words shall have the following meanings respectively ascribed
27	to them by this section:
28	(1) BOARD. The Alabama Department of Environmental

(1) BOARD. The Alabama Department



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 otherwise construct a water well.
- 36 (4) DRILLER. Any person who manages or supervises the drilling of a water well.
- 38 (5) LICENSEE. Any person required to be licensed under 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 soil materials removed from the well.
- 48 (8) (9) WATER WELL. A hole drilled for the production of water.
- (10) WELL. A hole drilled for a water well or other

  purposes as defined and licensed pursuant to this chapter or

  other activity related to water well construction or
- 53 maintenance, such as pump repair or replacement."
- 54 **"**\$22-24-2
- 55 <u>(a)</u> It is the intent of the Legislature that this 56 chapter applies—solely to wells drilled for the production of



- 57 water and other underground drilling activity and related 58 activity as provided in this chapter.
  - (b) This chapter has no application to wells or holes drilled, augered, cored, or dug for quarry blast holes or mineral prospecting or any purpose other than water production."

**"**§22-24-3

- (a) The board is authorized and directed to make, promulgate and publish such commission shall adopt rules—and regulations as it deems reasonable and necessary to effectuate and carry out the purpose—and provisions of this chapter, and a true copy of such rules and regulations shall be kept on file with the Secretary of State and copies thereof shall be made available for public distribution.
- (b) The rules shall be adopted pursuant to the Alabama Administrative Procedure Act, Chapter 22 of Title 41.

  Notwithstanding any other provision of law, no additional publication or notice shall be required for the adoption of rules other than compliance with the Alabama Administrative Procedure Act.
- (c) Prior to any rule change being proposed by the commission, the department shall consult with the Alabama

  Ground Water Association and other affected parties not less than 60 days prior to any rule change being published in the Alabama Administrative Monthly.
- 82 <u>(d) The board department</u> 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



85 chapter."

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

"\$22-24-5

Every person who intends to drill water wells within the State of Alabama shall annually obtain from the board a water well driller's license and, in order to obtain said license, shall file with the board, in accordance with rules and regulations as established by the board, an application form, to be made available by the board. Any person, upon filing said application and receiving approval of the board, shall pay an annual fee of \$200.00 to the board, and the payment of said fee shall entitle said person to the full and complete privileges of drilling water wells, as provided in this chapter, and the board shall issue a license for a period not to exceed one year. Said annual fee paid to the board shall not exempt a person from additional state or county privilege taxes. (a) Any person who manages or supervises the drilling of a water well, repairs or installs a well pump, constructs or repairs environmental wells, or constructs geothermal systems shall be licensed under this chapter.

(b) The department shall issue two types of licenses pursuant to this chapter as follows:



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,



141	<u>2025.</u>
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

three hours of continuing education.



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	<b>"</b> \$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, itthe department finds that the applicant
182	for, or holder of, <u>such</u> 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 <u>such</u> the license;
187	(3) Has willfully violated any provision of this
188	chapter;
189	(4) Has obtained, or attempted to obtain, <u>such</u> 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 <del>-shall be</del> is refused, or

196 suspended or revoked, or the renewal thereof refused, under



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 initiative or upon the request of the applicant or licensee. 208 209 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 resulting decision shall be sent by registered or certified 212 mail to the applicant or licensee concerned. 213

(c) No licensee whose license has been revoked under this section shall be entitled to file another application for a license as a water well driller or otherwise under this chapter within one year from the effective date of such revocation or, if judicial review of—such\_the revocation is sought, within one year from the date of final court order or judgment affirming—such\_the revocation. Such\_The application, when filed, may be refused by the—board\_department unless the applicant shows good cause why revocation of—his\_the license shall not be deemed a bar to the issuance of a new license."

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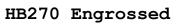
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225	It shall be unlawful and a violation of this chapter to
226	drill a water well within the State of Alabama unless the
227	following provisions are complied with:
228	(1)(a) The driller of the water well or other well, or
229	a business entity performing 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 $\div$ :
233	$\frac{(2)}{(1)}$ 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	$\frac{(3)}{(2)}$ 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 30 days
243	after completion of the drilling of each water well, $\underline{\text{the}}$
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	$\frac{(5)}{(4)}$ 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



253 not more than 10 feet.

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

"\$22-24-11

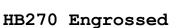
Any person—guilty of violating any of the provisions of failing to comply with this chapter or violating any rule adopted pursuant to this chapter—or the rules and regulations adopted thereunder shall be guilty of a misdemeanor and may be punished by a fine of not less than \$100.00 nor more than \$500.00 for each violation. Each day the violation continues shall be considered a separate violation. Any and all funds derived from such fines shall be deposited with the State Treasurer in the Alabama Department of Environmental

Management Fund is subject to Section 22-22A-5 of the Environmental Management Act."

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



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





283 284 285 House of Representatives to the House of Representatives 287 committee on Boards, Agencies and 288 289 Commissions 290 291 Read for the second time and placed ................27-Feb-25 on the calendar: 292 293 1 amendment 294 295 Read for the third time and passed ...........04-Mar-25 296 as amended Yeas 102 297 Nays 0 298 Abstains 0 299 300 301 302 John Treadwell Clerk 303 304