

# 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



## HB270 Engrossed

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~~



## HB270 Engrossed

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

## HB270 Engrossed



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



## HB270 Engrossed

chapter."

"§22-24-4

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:



## HB270 Engrossed

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

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

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

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

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

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



## HB270 Engrossed

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.



## HB270 Engrossed

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

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

"§22-24-7

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

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

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

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

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

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

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

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





## HB270 Engrossed

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



## HB270 Engrossed

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

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

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

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

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

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



## HB270 Engrossed

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.



## HB270 Engrossed

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



## HB270 Engrossed

### House of Representatives

Read for the first time and referred .....13-Feb-25  
to the House of Representatives  
committee on Boards, Agencies and  
Commissions

Read for the second time and placed .....27-Feb-25  
on the calendar:  
1 amendment

Read for the third time and passed .....04-Mar-25  
as amended  
Yeas 102  
Nays 0  
Abstains 0

John Treadwell  
Clerk