

HB270 INTRODUCED



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



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SYNOPSIS:

Under existing law, a water well contractor is required to be licensed by the Alabama Department of Environmental Management.

This bill would further provide for an unrestricted well driller's license and for a restricted license for the licensing of other persons engaging in the specialized drilling of wells and repairing water well pumps.

This bill would increase the fee for licensure and provide for a two-year licensure period.

This bill would further require continuing education of licensees.

This bill would authorize the Environmental Management Commission to adopt rules to implement this act.

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,



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29 22-24-8, and 22-24-11 of the Code of Alabama 1975; to further
30 provide for the licensing of water well drillers and other
31 drillers doing similar underground drilling; to increase the
32 fees for licensure and provide a two-year licensure period; to
33 require continuing education of licensees; and to authorize
34 the Environmental Management Commission to adopt rules,
35 including a fee schedule for the filing of each water well
36 completion certification.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

38 Section 1. Sections 22-24-1, 22-24-2, 22-24-3, 22-24-4,
39 22-24-5, 22-24-7, 22-24-8, and 22-24-11 of the Code of Alabama
40 1975, are amended to read as follows:

41 "§22-24-1

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

45 (1) ~~BOARD. The Alabama Department of Environmental~~
46 ~~Management.~~ COMMISSION. The Environmental Management
47 Commission.

48 (2) ~~DIRECTOR. The Director of the Alabama Department of~~
49 ~~Environmental Management.~~ DEPARTMENT. The Alabama Department of
50 Environmental Management.

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

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

55 (5) LICENSEE. Any person required to be licensed under
56 this chapter.



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57 ~~(5)~~ (6) LOG. A record of the type of material or rock
58 penetrated in the drilling of a water well.

59 ~~(6)~~ (7) PERSON. Any individual, ~~organization, group,~~
60 ~~association,~~ partnership, corporation, or any ~~combination of~~
61 ~~them~~ other business entity operating ~~a business~~ to drill water
62 wells.

63 ~~(7)~~ (8) SAMPLE. Cuttings or other fragments of rock or
64 soil materials removed from the well.

65 ~~(8)~~ (9) WATER WELL. A hole drilled for the production of
66 water.

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

71 "§22-24-2

72 (a) It is the intent of the Legislature that this
73 chapter applies ~~solely~~ to wells drilled for the production of
74 water and other underground drilling activity and related
75 activity as provided in this chapter.

76 (b) This chapter has no application to wells or holes
77 drilled, augered, cored, or dug for quarry blast holes or
78 mineral prospecting ~~or any purpose other than water~~
79 ~~production."~~

80 "§22-24-3

81 (a) The ~~board is authorized and directed to make,~~
82 ~~promulgate and publish such~~ commission shall adopt rules ~~and~~
83 ~~regulations~~ as it deems reasonable and necessary to ~~effectuate~~
84 ~~and~~ carry out the purpose ~~and provisions~~ of this chapter, ~~and~~



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85 ~~a true copy of such rules and regulations shall be kept on~~
86 ~~file with the Secretary of State and copies thereof shall be~~
87 ~~made available for public distribution.~~

88 (b) The rules shall be adopted pursuant to the Alabama
89 Administrative Procedure Act, Chapter 22 of Title 41.
90 Notwithstanding any other provision of law, no additional
91 publication or notice shall be required for the adoption of
92 rules other than compliance with the Alabama Administrative
93 Procedure Act.

94 (c) Prior to any rule change being proposed by the
95 commission, the department shall consult with the Alabama
96 Ground Water Association and other affected parties not less
97 than 60 days prior to any rule change being published in the
98 Alabama Administrative Monthly.

99 (d) The~~board~~ department shall~~cause~~ be responsible for
100 the enforcement of this chapter and all rules ~~and regulations~~
101 ~~it promulgates to be enforced~~ adopted pursuant to this
102 chapter."

103 "§22-24-4

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

110 "§22-24-5

111 ~~Every person who intends to drill water wells within~~
112 ~~the State of Alabama shall annually obtain from the board a~~



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113 ~~water well driller's license and, in order to obtain said~~
114 ~~license, shall file with the board, in accordance with rules~~
115 ~~and regulations as established by the board, an application~~
116 ~~form, to be made available by the board. Any person, upon~~
117 ~~filing said application and receiving approval of the board,~~
118 ~~shall pay an annual fee of \$200.00 to the board, and the~~
119 ~~payment of said fee shall entitle said person to the full and~~
120 ~~complete privileges of drilling water wells, as provided in~~
121 ~~this chapter, and the board shall issue a license for a period~~
122 ~~not to exceed one year. Said annual fee paid to the board~~
123 ~~shall not exempt a person from additional state or county~~

124 ~~privilege taxes.~~ (a) Any person who manages or supervises the
125 drilling of a water well, repairs or installs a well pump,
126 constructs or repairs environmental wells, or constructs
127 geothermal systems shall be licensed under this chapter.

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

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

140 (2) A Restricted License. A specialty driller's or pump



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141 installer's license restricted to performance of only those
142 activities specified in the conditions of the license.

143 Restrictions shall be placed on the licenses of any person who
144 does either of the following:

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

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

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

156 (d) All licenses issued by the department shall be
157 valid for a two-year license period commencing on October 1,
158 2025.

159 (e) The license fees are as follows:

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

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

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

166 (f) The license renewal shall be due on October 1 and
167 shall be delinquent if not paid by December 31 of each renewal
168 period. Any renewal that is delinquent may be renewed by the



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169 payment of an additional delinquency fee of twenty dollars
170 (\$20) per month of delinquency, up to one year.

171 (g) Each initial license shall only be granted to an
172 individual. The individual shall be subject to examination by
173 testing and required to meet all requirements as provided by
174 rule of the department. The license fee for a new licensee
175 shall be prorated on a monthly basis for the balance of the
176 license period.

177 (h) Commencing on the renewal of each license for the
178 license period beginning on October 1, 2027, each individual
179 licensee shall submit proof of completion of continuing
180 education approved by the department to renew a license as
181 follows:

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

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

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

191 (j) A license required by this chapter shall authorize
192 the licensee to engage in the activities in this state as
193 provided in this chapter and no other license or fee shall be
194 required except in the county or municipality where the
195 licensee or licensed entity is principally located."

196 "§22-24-7



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

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

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

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

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

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

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

214 (b) Before any license ~~shall be~~ is refused, or
215 suspended or revoked, or the renewal thereof refused, under
216 this section, the ~~board~~ department shall give notice of its
217 intention to do so by registered or certified mail to the
218 applicant for, or holder of, ~~such~~ the license and shall set a
219 date not less than 20 days from the date of mailing ~~such~~ the
220 notice when the applicant or licensee may appear to be heard
221 and produce evidence. In the conduct of ~~such~~ the hearing, the
222 ~~board~~ department, or an authorized representative specially
223 designated by it for ~~such~~ that purpose, shall have power to
224 administer oaths, to require the appearance of and examine any



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225 person under oath, and to require the production of books,
226 records, or papers relevant to the inquiry upon its own
227 initiative or upon the request of the applicant or licensee.
228 Upon termination of ~~such~~ the hearing, the findings shall be
229 reduced to writing and, upon approval by the ~~board~~ department,
230 ~~shall be filed in its office and~~ notice of the findings and
231 resulting decision shall be sent by registered or certified
232 mail to the applicant or licensee concerned.

233 (c) No licensee whose license has been revoked under
234 this section shall be entitled to file another application for
235 a license as a water well driller or otherwise under this
236 chapter within one year from the effective date of such
237 revocation or, if judicial review of ~~such~~ the revocation is
238 sought, within one year from the date of final court order or
239 judgment affirming ~~such~~ the revocation. ~~Such~~The application,
240 when filed, may be refused by the ~~board~~ department unless the
241 applicant shows good cause why revocation of ~~his~~ the license
242 shall not be deemed a bar to the issuance of a new license."

243 "§22-24-8

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

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

252 ~~(2)~~ (1) The driller shall, at all times during the



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253 drilling of a water well or other drilling, keep posted in a
254 conspicuous location, ~~at or near the well being drilled or on~~
255 ~~his person, the appropriate license certificate as furnished~~
256 on the drilling equipment an annual sticker issued by the
257 ~~board~~ department.

258 ~~(3)~~ (2) Before the commencement of the drilling
259 operation, the driller shall file an application of intent to
260 drill a water well, as directed by the ~~board~~ department.

261 ~~(4)~~ (3) ~~The driller of the well, within~~ Within 30 days
262 after completion of the drilling of each water well, the
263 driller shall deliver to the ~~board~~ department a water well
264 completion certification form, ~~upon forms to be supplied by~~
265 ~~the board, a "report of well drilled"~~. The ~~board~~ department
266 shall notify the local health authorities only for potable and
267 agricultural wells within seven days of the receipt thereof.

268 ~~(5)~~ (4) The driller shall furnish a log and a set of
269 samples to the State Geological Survey from wells specifically
270 designated by the ~~board~~ department or State Geologist. The
271 samples shall be collected during the drilling at intervals of
272 not more than 10 feet.

273 (b) The commission by rule may adopt a fee schedule for
274 fees due on the filing of a water well completion
275 certification. The fee schedule may not exceed one thousand
276 dollars (\$1,000) set by rule based on whether a well is used
277 for an industrial, commercial, or domestic purpose or other
278 criteria as provided by rule. The fee for a single-family
279 residence or duplex may not exceed two hundred fifty dollars
280 (\$250). The fees may be paid electronically. All fees shall be



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281 deposited in the Environmental Management Fund earmarked for
282 the administration of this chapter and shall not revert to the
283 State General Fund at the end of each fiscal year."

284 "§22-24-11

285 Any person ~~guilty of violating any of the provisions of~~
286 failing to comply with this chapter or violating any rule
287 adopted pursuant to this chapter ~~or the rules and regulations~~
288 ~~adopted thereunder shall be guilty of a misdemeanor and may be~~
289 ~~punished by a fine of not less than \$100.00 nor more than~~
290 ~~\$500.00 for each violation. Each day the violation continues~~
291 ~~shall be considered a separate violation. Any and all funds~~
292 ~~derived from such fines shall be deposited with the State~~
293 ~~Treasurer in the Alabama Department of Environmental~~
294 ~~Management Fund~~ is subject to Section 22-22A-5 of the
295 Environmental Management Act."

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

300 Section 3. This act shall become effective on October
301 1, 2025.