

Reprinted

FEB 21 1991

Place On Calendar

HOUSE FILE 325
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HF 213)

Passed House, Date 2/28/91 (p 498) Passed Senate, Date 4/23/91 P.1430
Vote: Ayes 66 Nays 30 Vote: Ayes 35 Nays 12
Approved May 30, 1991

A BILL FOR

1 An Act relating to the establishment of a well contractor
2 certification program, establishing fees, and making penalties
3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 325

1 Section 1. GOALS. The goals of the well contractor
2 certification program are the following:

- 3 1. To protect the groundwater of the state against
4 contamination caused by improper water well construction or
5 maintenance, faulty pump installation and repair, and
6 inadequate well abandonment.
- 7 2. To protect the health and well-being of Iowans through
8 the provision of safe drinking water supplies through proper
9 water well construction and maintenance.

10 Sec. 2. NEW SECTION. 455B.190A WELL CONTRACTOR
11 CERTIFICATION PROGRAM.

12 1. As used in this section:

13 a. "Groundwater" means groundwater as defined in section
14 455E.2.

15 b. "Water well" or "well" means water well as defined in
16 section 455B.171.

17 c. "Well contractor" means contractor as defined pursuant
18 to section 455B.171, subsection 25.

19 d. "Well services" means new well construction, well
20 reconstruction, installation of pitless equipment, or well
21 plugging.

22 2. The department shall establish a well contractor
23 certification program which shall include all of the following
24 provisions:

25 a. Specification of certification requirements, including
26 minimum work experience levels, successful completion of an
27 examination, and continuing education requirements.

28 b. A certified well contractor shall be present at the
29 well site and in direct charge of the services whenever well
30 services are provided.

31 c. A person shall not act as a well contractor on or after
32 July 1, 1993, unless the person is certified by the department
33 pursuant to this section.

34 d. Violation of the rules regarding well construction,
35 maintenance, or plugging are grounds for suspension or

1 revocation of certification.

3106 2 e. The department shall establish a minimum level of work
3 experience, performed under the direct supervision of a
4 certified well contractor, which is required for
5 certification.

6 f. Provisional certification may be obtained by an
7 applicant in instances of shortages of certified personnel if
8 all of the following conditions are met:

3106 9 (1) The applicant provides documentation of at least one
10 year of work experience.

3106 11 (2) The applicant successfully completes the examination.

12 (3) A certified well contractor who employs an applicant
13 for well contractor certification cosigns the application for
14 provisional certification. An employer who cosigns an
15 application for provisional certification is jointly liable
16 for a violation of the rules regarding well construction,
17 maintenance, or plugging by the provisionally certified well
18 contractor and the violation is grounds for the suspension or
19 revocation of certification of the certified well contractor
20 and the provisionally certified well contractor.

21 g. The department shall develop continuing education
22 requirements for certification of a well contractor in
23 consultation with the well contractors' council.

3106 24 h. The written examination for well contractors shall
25 include, but is not limited to, relevant aspects of Iowa
26 groundwater law, well construction, well maintenance, and well
27 abandonment practices which protect groundwater and water
28 supplies. The examination shall be developed by the
29 department in consultation with the well contractors' council.
30 The examination shall be updated as necessary to reflect
31 current groundwater law and well construction, maintenance,
32 and abandonment practices.

33 i. The department may provide for multiyear certification
34 of well contractors.

35 3. A well contractors' council is established.

- 1 a. The council shall consist of the following members:
2 (1) One well drilling contractor.
3 (2) One pump installation contractor.
4 (3) One representative of the Iowa groundwater association
5 or its successor.
6 (4) One member of the Iowa environmental health associa-
7 tion or its successor.
8 (5) One representative of the Iowa department of public
9 health or successor agency.
10 (6) One representative of the geological survey bureau or
11 its successor.
12 (7) One representative of the state hygienic laboratory or
13 its successor.

14 b. The head of each agency or organization named in para-
15 graph "a" shall recommend one man and one woman, if possible,
16 as nominees for the position delineated for representation by
17 the agency or organization. The governor shall appoint a
18 representative of each agency or organization from the
19 nominees recommended, subject to senate confirmation.

20 c. Public members of the council shall serve two-year
21 terms beginning and ending as provided in section 69.19. A
22 public council member shall not serve more than two
23 consecutive terms.

24 d. The membership of the council shall be gender balanced,
25 to the extent possible, pursuant to section 69.16A.

26 e. Vacancies on the council shall be filled in the same
27 manner as the original appointment. A person appointed to
28 fill a vacancy shall serve only for the unexpired portion of
29 the term.

30 f. Public members of the council shall receive a forty
31 dollar per diem and shall be reimbursed for actual and
32 necessary expenses incurred while engaged in their official
33 duties.

34 4. The department shall develop, in consultation with the
35 well contractors' council, a consumer information pamphlet

1 regarding well construction, well maintenance, well plugging,
2 and Iowa groundwater laws. The department and the council
3 shall review and revise the consumer information pamphlet as
4 necessary. The consumer information pamphlet shall be
5 supplied to well contractors, at cost, and well contractors
6 shall supply one copy at no cost to potential customers prior
7 to initiation of well services.

8 5. The department shall establish by rule and collect, in
9 consultation with the well contractors' council, the following
10 fees to be used to implement and administer the provisions of
11 this section:

12 a. An annual certification fee to be paid by certified
13 well contractors. The initial annual certification fee is one
14 hundred fifty dollars. The fee may be increased by rule, as
15 necessary, to reflect the costs of administration of the pro-
16 gram. The department may establish a fee for multiyear
17 certification.

18 b. The department may also charge and collect fees for
19 testing, the provision of continuing education, and other fees
20 related to and based on the actual costs of the well
21 contractor certification program.

22 6. Rules adopted by the commission shall be developed in
23 consultation with the council. If a majority of the council
24 does not endorse the rules adopted by the commission, notice
25 shall be sent to the administrative rules review committee
26 indicating the council's position.

27 Sec. 3. Section 455B.171, subsections 25 and 27, Code
28 1991, are amended to read as follows:

29 25. "Contractor" means a person engaged in the business of
30 well construction or reconstruction or other well services.

31 27. "Water well" means an excavation that is drilled,
32 cored, bored, augered, washed, driven, dug, jetted or
33 otherwise constructed for accessing-groundwater the purpose of
34 exploring for groundwater, monitoring groundwater, utilizing
35 the geothermal properties of the ground, or extracting water

1 from or injecting water into the aquifer. "Water well" does
2 not include an open ditch or drain tiles or an excavation made
3 for obtaining or prospecting for oil, natural gas, minerals,
4 or products mined or quarried.

5 Sec. 4. Section 455B.172, subsection 7, Code 1991, is
6 amended to read as follows:

7 7. The department is the state agency to regulate the
8 registration or certification of water well contractors
9 pursuant to section 455B.187 or section 455B.190A.

10 Sec. 5. Section 455B.173, subsection 9, Code 1991, is
11 amended to read as follows:

12 9. Adopt, modify or repeal rules relating to the
13 construction and reconstruction of water wells, the proper
14 abandonment of wells, and the registration or certification of
15 water well contractors. The rules shall include those
16 necessary to protect the public health and welfare, and to
17 protect the waters of the state. The rules may include, but
18 are not limited to, establishing fees for registration or
19 certification of water well contractors, requiring the
20 submission of well driller's logs, formation samples or well
21 cuttings, water samples, information on test pumping and
22 requiring inspections. Fees shall be based upon the
23 reasonable cost of conducting the water well contractor
24 registration or certification program.

25 Sec. 6. Section 455B.187, unnumbered paragraph 1, Code
26 1991, is amended to read as follows:

27 A contractor shall not engage in well construction or
28 reconstruction without first registering or being certified as
29 required in department rules. If a well contractor is
30 registered prior to July 1, 1991, the well contractor shall
31 meet the requirements of certification by July 1, 1993.
32 Following adoption of the rules establishing a well contractor
33 certification program, a person seeking initial well
34 contractor status shall meet the requirements established for
35 certification. Beginning July 1, 1993, the department shall

1 replace the registration program with the well certification
2 program. Water wells shall not be constructed, reconstructed,
3 or abandoned by a person except as provided in this part or
4 rules adopted pursuant to this part. Within thirty days after
5 construction or reconstruction of a well, a contractor shall
6 provide well information required by rule to the department
7 and the Iowa geological survey.

8 Sec. 7. Section 455B.190, subsection 6, Code 1991, is
9 amended to read as follows:

10 6. A person who fails to properly plug a well on property
11 the person owns, in accordance with the program established by
12 the department, or as reported by a designated agent or a
13 registered or certified well driller contractor, is subject to
14 a civil penalty of up to one hundred dollars per every five
15 calendar days that the well remains unplugged or improperly
16 plugged. However, the total civil penalty shall not exceed
17 one thousand dollars. The penalty shall only be assessed
18 after the one thousand dollar limit is reached. If the owner
19 plugs the well in compliance with this section, including
20 applicable departmental rules, before the date that the one
21 thousand dollar limit is reached, the civil penalty shall not
22 be assessed. The penalty shall not be imposed upon a person
23 for improperly plugging a well until the department notifies
24 the person of the improper plugging. The moneys collected
25 shall be deposited in the financial incentive portion of the
26 agriculture management account. The department of agriculture
27 and land stewardship may provide by rule for financial
28 incentive moneys, through expenditure of the moneys allocated
29 to the financial-incentive-program portion of the agriculture
30 management account, to reduce a person's cost in properly
31 plugging wells abandoned prior to July 1, 1987.

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EXPLANATION

33 This bill establishes a well contractor certification pro-
34 gram. The department of natural resources is required to
35 establish the program which includes: specifications for

1 certification; the requirement that a well contractor be
2 present at the well site and in direct charge of the services;
3 the required certification of a well contractor who is
4 registered prior to July 1, 1991, and the required
5 certification of a well contractor seeking initial certifi-
6 cation following establishment of the program; that a
7 violation of the certification requirements is grounds for
8 suspension or revocation of certification; the minimum work
9 experience required for obtaining certification; alternative
10 provisional certification in certain emergency situations; and
11 a continuing education program. The bill also establishes a
12 council to aid the department in the development and
13 implementation of the certification program, provides for the
14 development and distribution of a consumer information
15 pamphlet, and provides for the collection of fees.

16 The bill may provide for a state mandate pursuant to
17 chapter 25B.

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Sen. Environment 2/15/91 D. Pass 4/4 (p. 1068)
Wap. House Amend (3501) 4 D. Pass 4/18/91 (p. 1354)

HOUSE FILE 325
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HF 213)

(As Amended and Passed by the House February 28, 1991)

^{Am 3817}
Be Passed House, Date 4/26/91 (p. 1611) Passed Senate, Date 4/23/91 (p. 1430)
Vote: Ayes 75 Nays 23 Vote: Ayes 35 Nays 12
Approved May 30, 1991

A BILL FOR

1 An Act relating to the establishment of a well contractor
2 certification program, establishing fees, and making penalties
3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____
Deleted Language *

1 Section 1. GOALS. The goals of the well contractor
2 certification program are the following:

3 1. To protect the groundwater of the state against
4 contamination caused by improper water well construction or
5 maintenance, faulty pump installation and repair, and
6 inadequate well abandonment.

7 2. To protect the health and well-being of Iowans through
8 the provision of safe drinking water supplies through proper
9 water well construction and maintenance.

10 Sec. 2. NEW SECTION. 455B.190A WELL CONTRACTOR
11 CERTIFICATION PROGRAM.

12 1. As used in this section:

13 a. "Groundwater" means groundwater as defined in section
14 455E.2.

15 b. "Water well" or "well" means water well as defined in
16 section 455B.171.

17 c. "Well contractor" means contractor as defined pursuant
18 to section 455B.171, subsection 25.

19 d. "Well contractors' council" means the council
20 established in subsection 3.

21 e. "Well services" means new well construction, well
22 reconstruction, installation of pitless equipment, or well
23 plugging.

24 f. "Examination" means an examination for well contractors
25 which includes, but is not limited to, relevant aspects of
26 Iowa groundwater law, well construction, well maintenance, and
27 well abandonment practices which protect groundwater and water
28 supplies.

29 2. The department shall establish a well contractor
30 certification program which shall include all of the following
31 provisions:

32 a. Specification of certification requirements, including
33 minimum work experience levels, successful completion of an
34 examination, and continuing education requirements.

35 b. A certified well contractor shall be present at the

1 well site and in direct charge of the services whenever well
2 services are provided.

3 c. A person shall not act as a well contractor on or after
4 July 1, 1993, unless the person is certified by the department
5 pursuant to this section.

6 d. Violation of the rules regarding well construction,
7 maintenance, or plugging are grounds for suspension or
8 revocation of certification.

* 9 e. Provisional certification may be obtained by an
10 applicant in instances of shortages of certified personnel if
11 all of the following conditions are met:

12 (1) The applicant provides documentation of at least one
13 year of work experience in well services performed under the
14 direct supervision of a certified well contractor.

15 (2) The applicant successfully completes the examination.

16 (3) A certified well contractor who employs an applicant
17 for well contractor certification cosigns the application for
18 provisional certification. An employer who cosigns an
19 application for provisional certification is jointly liable
20 for a violation of the rules regarding well construction,
21 maintenance, or plugging by the provisionally certified well
22 contractor and the violation is grounds for the suspension or
23 revocation of certification of the certified well contractor
24 and the provisionally certified well contractor.

25 f. The department shall develop continuing education
26 requirements for certification of a well contractor in
27 consultation with the well contractors' council.

28 g. The examination shall be developed by the department in
29 consultation with the well contractors' council. The
30 examination shall be updated as necessary to reflect current
31 groundwater law and well construction, maintenance, and
32 abandonment practices.

33 h. The department may provide for multiyear certification
34 of well contractors.

35 3. A well contractors' council is established.

- 3524, 35011
- 1 a. The council shall consist of the following members:
2 (1) One well drilling contractor.
3 (2) One pump installation contractor.
4 (3) One representative of the Iowa groundwater association
5 or its successor.
6 (4) One member of the Iowa environmental health associa-
7 tion or its successor.
8 (5) One representative of the Iowa department of public
9 health or successor agency.
10 (6) One representative of the geological survey bureau or
11 its successor.
12 (7) One representative of the state hygienic laboratory or
13 its successor.
- 14 b. The head of each agency or organization named in para-
15 graph "a" shall recommend one man and one woman, if possible,
16 as nominees for the position delineated for representation by
17 the agency or organization. The governor shall appoint a
18 representative of each agency or organization from the
19 nominees recommended, subject to senate confirmation.
- 20 c. Public members of the council shall serve two-year
21 terms beginning and ending as provided in section 69.19. A
22 public council member shall not serve more than two
23 consecutive terms.
- 24 d. The membership of the council shall be gender balanced,
25 to the extent possible, pursuant to section 69.16A.
- 26 e. Vacancies on the council shall be filled in the same
27 manner as the original appointment. A person appointed to
28 fill a vacancy shall serve only for the unexpired portion of
29 the term.
- 30 f. Public members of the council shall receive per diem as
31 specified pursuant to section 7E.6. However, a member shall
32 not receive a per diem if the member is receiving a salary as
33 a full-time public employee. Public members shall also be
34 reimbursed for actual and necessary expenses incurred while
35 engaged in their official duties.

1 4. The department shall develop, in consultation with the
2 well contractors' council, a consumer information pamphlet
3 regarding well construction, well maintenance, well plugging,
4 and Iowa groundwater laws. The department and the council
5 shall review and revise the consumer information pamphlet as
6 necessary. The consumer information pamphlet shall be
7 supplied to well contractors, at cost, and well contractors
8 shall supply one copy at no cost to potential customers prior
9 to initiation of well services.

10 5. The department shall establish by rule and collect, in
11 consultation with the well contractors' council, the following
12 fees to be used to implement and administer the provisions of
13 this section:

14 a. An annual certification fee to be paid by certified
15 well contractors. The initial annual certification fee is one
16 hundred fifty dollars. The fee may be increased by rule, as
17 necessary, to reflect the costs of administration of the pro-
18 gram. The department may establish a fee for multiyear
19 certification.

20 b. The department may also charge and collect fees for
21 testing, the provision of continuing education, and other fees
22 related to and based on the actual costs of the well
23 contractor certification program.

24 6. Rules adopted by the commission shall be developed in
25 consultation with the council. If a majority of the council
26 does not endorse the rules adopted by the commission, notice
27 shall be sent to the administrative rules review committee
28 indicating the council's position.

29 Sec. 3. Section 455B.171, subsections 25 and 27, Code
30 1991, are amended to read as follows:

31 25. "Contractor" means a person engaged in the business of
32 well construction or reconstruction or other well services.

33 27. "Water well" means an excavation that is drilled,
34 cored, bored, augered, washed, driven, dug, jetted or
35 otherwise constructed for accessing-groundwater the purpose of

1 exploring for groundwater, monitoring groundwater, utilizing
2 the geothermal properties of the ground, or extracting water
3 from or injecting water into the aquifer. "Water well" does
4 not include an open ditch or drain tiles or an excavation made
5 for obtaining or prospecting for oil, natural gas, minerals,
6 or products mined or quarried.

7 Sec. 4. Section 455B.172, subsection 7, Code 1991, is
8 amended to read as follows:

9 7. The department is the state agency to regulate the
10 registration or certification of water well contractors
11 pursuant to section 455B.187 or section 455B.190A.

12 Sec. 5. Section 455B.173, subsection 9, Code 1991, is
13 amended to read as follows:

14 9. Adopt, modify or repeal rules relating to the
15 construction and reconstruction of water wells, the proper
16 abandonment of wells, and the registration or certification of
17 water well contractors. The rules shall include those
18 necessary to protect the public health and welfare, and to
19 protect the waters of the state. The rules may include, but
20 are not limited to, establishing fees for registration or
21 certification of water well contractors, requiring the
22 submission of well driller's logs, formation samples or well
23 cuttings, water samples, information on test pumping and
24 requiring inspections. Fees shall be based upon the
25 reasonable cost of conducting the water well contractor
26 registration or certification program.

27 Sec. 6. Section 455B.187, unnumbered paragraph 1, Code
28 1991, is amended to read as follows:

29 A contractor shall not engage in well construction or
30 reconstruction without first registering or being certified as
31 required in department rules. If a well contractor is
32 registered prior to July 1, 1991, the well contractor shall
33 meet the requirements of certification by July 1, 1993.

34 Following adoption of the rules establishing a well contractor
35 certification program, a person seeking initial well

1 contractor status shall meet the requirements established for
2 certification. Beginning July 1, 1993, the department shall
3 replace the registration program with the well certification
4 program. Water wells shall not be constructed, reconstructed,
5 or abandoned by a person except as provided in this part or
6 rules adopted pursuant to this part. Within thirty days after
7 construction or reconstruction of a well, a contractor shall
8 provide well information required by rule to the department
9 and the Iowa geological survey.

10 Sec. 7. Section 455B.190, subsection 6, Code 1991, is
11 amended to read as follows:

12 6. A person who fails to properly plug a well on property
13 the person owns, in accordance with the program established by
14 the department, or as reported by a designated agent or a
15 registered or certified well driller contractor, is subject to
16 a civil penalty of up to one hundred dollars per every five
17 calendar days that the well remains unplugged or improperly
18 plugged. However, the total civil penalty shall not exceed
19 one thousand dollars. The penalty shall only be assessed
20 after the one thousand dollar limit is reached. If the owner
21 plugs the well in compliance with this section, including
22 applicable departmental rules, before the date that the one
23 thousand dollar limit is reached, the civil penalty shall not
24 be assessed. The penalty shall not be imposed upon a person
25 for improperly plugging a well until the department notifies
26 the person of the improper plugging. The moneys collected
27 shall be deposited in the financial incentive portion of the
28 agriculture management account. The department of agriculture
29 and land stewardship may provide by rule for financial
30 incentive moneys, through expenditure of the moneys allocated
31 to the financial-incentive-program portion of the agriculture
32 management account, to reduce a person's cost in properly
33 plugging wells abandoned prior to July 1, 1987.

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HOUSE FILE 325

S-3524

1 Amend House File 325, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 2, by inserting after the word
4 "contractor" the following: "appointed by the
5 governor and subject to confirmation by the senate".

6 2. Page 3, line 3, by inserting after the word
7 "contractor" the following: "appointed by the
8 governor and subject to confirmation by the senate."

* 9 3. Page 3, line 4, by striking the word
10 "representative" and inserting the following:
11 "citizen member".

^ 12 4. Page 3, line 5, by inserting after the word
13 "successor" the following: ", appointed by the
14 governor and subject to confirmation by the senate".

15 5. Page 3, line 6, by inserting after the word
16 "One" the following: "citizen".

17 6. Page 3, line 7, by inserting after the word
18 "successor" the following: ", appointed by the
19 governor and subject to confirmation by the senate".

20 7. Page 3, by striking lines 8 through 35, and
21 inserting the following:

* 22 "(5) The director of the Iowa department of public
23 health or the director's designee.

24 (6) The state geologist or the state geologist's
25 designee.

26 (7) The director of the state hygienic laboratory
27 or the director's designee.

28 c. Citizen members of the council shall serve two-
29 year terms beginning and ending as provided in section
30 69.19. A citizen member of the council shall not
31 serve more than two consecutive terms. The council
32 shall be gender balanced, to the extent possible,
33 pursuant to section 69.16A.

34 d. The well contractors' council shall be
35 dissolved six months after completion of all of the
36 following:

37 (1) Publication of the consumer information
38 pamphlet.

39 (2) Adoption of rules by the commission.

40 (3) Administration of the second certification
41 examination."

By ALVIN V. MILLER
ALLEN BORLAUG
RALPH ROSENBERG
MICHAEL E. GRONSTAL
JOHN W. JENSEN

EUGENE FRAISE
BEVERLY A. HANNON
H. KAY HEDGE
JOHN E. SOORHOLTZ
RICHARD VARN

S-3524 FILED APRIL 22, 1991

Adopted 4/23/91 (p. 14 29)

HOUSE FILE 325

S-3501

- 1 Amend House File 325, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 4 and 5.
- 4 2. Page 3, by striking lines 8 and 9.
- 5 3. By renumbering as necessary.

By COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3501 FILED APRIL 18, 1991

Placed o/c 4/23/91 (p. 1429)

HOUSE FILE 325

S-3530

- 1 Amend the amendment, S-3524, to House File 325 as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 9 through 14, and
- 5 inserting the following:
- 6 "____. Page 3, by striking lines 4 and 5."
- 7 2. Page 1, by striking lines 22 and 23.
- 8 3. By renumbering as necessary.

By WILLIAM W. DIELEMAN

S-3530 FILED APRIL 22, 1991

Placed 4/23/91

SENATE AMENDMENT TO HOUSE FILE 325

H-3817

1 Amend House File 325, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 2, by inserting after the word
4 "contractor" the following: "appointed by the
5 governor and subject to confirmation by the senate".
6 2. Page 3, line 3, by inserting after the word
7 "contractor" the following: "appointed by the
8 governor and subject to confirmation by the senate".
9 3. Page 3, line 4, by striking the word
10 "representative" and inserting the following:
11 "citizen member".
12 4. Page 3, line 5, by inserting after the word
13 "successor" the following: ", appointed by the
14 governor and subject to confirmation by the senate".
15 5. Page 3, line 6, by inserting after the word
16 "One" the following: "citizen".
17 6. Page 3, line 7, by inserting after the word
18 "successor" the following: ", appointed by the
19 governor and subject to confirmation by the senate".
20 7. Page 3, by striking lines 8 through 35, and
21 inserting the following:
22 "(5) The director of the Iowa department of public
23 health or the director's designee.
24 (6) The state geologist or the state geologist's
25 designee.
26 (7) The director of the state hygienic laboratory
27 or the director's designee.
28 b. Citizen members of the council shall serve two-
29 year terms beginning and ending as provided in section
30 69.19. A citizen member of the council shall not
31 serve more than two consecutive terms. The council
32 shall be gender balanced, to the extent possible,
33 pursuant to section 69.16A.
34 c. The well contractors' council shall be
35 dissolved six months after completion of all of the
36 following:
37 (1) Publication of the consumer information
38 pamphlet.
39 (2) Adoption of rules by the commission.
40 (3) Administration of the second certification
41 examination."

RECEIVED FROM THE SENATE

H-3817 FILED APRIL 25, 1991

Have concurred 4/26/91 (p. 164)

H-3096

1 Amend House File 325 as follows:
2 1. Page 3, by striking lines 30 and 31 and
3 inserting the following:
4 "f. Public members of the council shall receive
5 per diem as specified pursuant to section 7E.6.
6 However, a member shall not receive a per diem if the
7 member is receiving a salary as a full-time public
8 employee. Public members shall also be reimbursed for
9 actual and".

By KREMER of Buchanan

H-3096 FILED FEBRUARY 27, 1991

Adopted 2/28 (p. 497)

HOUSE FILE 325

H-3106

1 Amend House File 325 as follows:
2 1. Page 1, by inserting after line 18, the
3 following:
4 " . "Well contractors' council" means the
5 council established in subsection 3."
6 2. Page 1, by inserting after line 21, the
7 following:
8 " . "Written examination" means an examination
9 for well contractors which includes, but is not
10 limited to, relevant aspects of Iowa groundwater law,
11 well construction, well maintenance, and well
12 abandonment practices which protect groundwater and
13 water supplies."
14 3. Page 2, by striking lines 2 through 5.
15 4. Page 2, by striking lines 9 and 10, and
16 inserting the following:
17 "(1) The applicant provides documentation of at
18 least one year of work experience in well services
19 performed under the direct supervision of a certified
20 well contractor."
21 5. Page 2, line 11, by inserting before the word
22 "examination" the following: "written".
23 6. Page 2, by striking lines 24 through 32, and
24 inserting the following:
25 "h. The written examination shall be developed by
26 the department in consultation with the well
27 contractors' council. The examination shall be
28 updated as necessary to reflect current groundwater
29 law and well construction, maintenance, and
30 abandonment practices."

By BANKS of Plymouth

H-3106 FILED FEBRUARY 27, 1991

Adopted as amended by 3121 2/28
HOUSE FILE 325

H-3121

1 Amend amendment, H-3106, to House File 325 as
2 follows:
3 1. Page 1, line 8, by striking the words "Written
4 examination" and inserting the following:
5 "Examination".
6 2. Page 1, by striking lines 21 and 22.
7 3. Page 1, line 25, by striking the word
8 "written".

By OSTERBERG of Linn

H-3121 FILED FEBRUARY 28, 1991

ADOPTED (p. 497)

HOUSE FILE 325

FISCAL NOTE

REQUESTED BY SENATOR DELUHERY

A fiscal note for House File 325 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 325 directs the Department of Natural Resources (DNR) to establish a well contractor certification program. The bill also establishes a Council to aid the Department in developing and implementing the program, and establishes an annual fee of \$150 to be paid by well contractors for certification. Well contractors are required to be certified by July 1, 1993.

Assumptions:

1. DNR rules will require the \$150 fee beginning with FY 1993.
2. 450 certificates will be issued annually.
3. The DNR will require 1.0 FTE and \$45,000 annually for salaries, support and Council per deim to administer the program.
4. The DNR will require \$20,000 in the first year to contract for the development of a continuing education program and the public information pamphlet.
5. DNR expenses will begin in FY 1993.

Fiscal Effect:

The \$150 annual fee will generate \$67,500 in revenue, beginning in FY 1993. DNR expenses will be \$65,000 in FY 1993 and \$45,000 in FY 1994 and beyond.

Source: Department of Natural Resources

(LSB 1536HV, JWR)

FILED APRIL 18, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

- e. "Well services" means net well construction, well reconstruction, installation of pitless equipment, or well plugging.
- f. "Examination" means an examination for well contractors which includes, but is not limited to, relevant aspects of Iowa groundwater law, well construction, well maintenance, and well abandonment practices which protect groundwater and water supplies.

7. The department shall establish a well contractor certification program which shall include all of the following provisions:

- a. Specification of certification requirements, including minimum work experience levels, successful completion of an examination, and continuing education requirements.
- b. A certified well contractor shall be present at the well site and in direct charge of the services whenever well services are provided.
- c. A person shall not act as a well contractor on or after July 1, 1997, unless the person is certified by the department pursuant to this section.
- d. Violation of the rules regarding well construction, maintenance, or plugging are grounds for suspension or revocation of certification.
- e. Provisional certification may be obtained by an applicant in instances of shortages of certified personnel in all of the following conditions are met:
 - (1) The applicant provides documentation of at least one year of work experience in well services performed under the direct supervision of a certified well contractor.
 - (2) The applicant successfully completes the examination.
 - (3) A certified well contractor who employs an applicant for well contractor certification assigns the applicant for provisional certification. An employer who assigns an applicant for provisional certification is jointly liable for a violation of the rules regarding well construction,

HOUSE FILE 325

AN ACT
 RELATING TO THE ESTABLISHMENT OF A WELL CONTRACTOR CERTIFICATION PROGRAM, ESTABLISHING FEES, AND VARIOUS PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- Section 1. GOALS. The goals of the well contractor certification program are the following:
- 1. To protect the groundwater of the state against contamination caused by improper water well construction or maintenance, faulty pump installation and repair, and inadequate well abandonment.
 - 2. To protect the health and well-being of Iowans through the provision of safe drinking water supplies through proper water well construction and maintenance.
- Sec. 2. NEW SECTION. 45B.190A WELL CONTRACTOR CERTIFICATION PROGRAM.
- 1. As used in this section:
 - a. "Groundwater" means groundwater as defined in section 455E.2.
 - b. "Water well" or "well" means water well as defined in section 455B.171.
 - c. "Well contractor" means contractor as defined pursuant to section 455B.171, subsection 25.
 - d. "Well contractor's control" means the control established in subsection 1.

maintenance, or plugging by the provisionally certified well contractor and the violation is grounds for the suspension or revocation of certification of the certified well contractor and the provisionally certified well contractor.

5. The department shall develop continuing education requirements for certification of a well contractor in consultation with the well contractors' council.

6. The examination shall be developed by the department in consultation with the well contractors' council. The examination shall be updated as necessary to reflect current groundwater law and well construction, maintenance, and abandonment practices.

7. The department may provide for multiyear certification of well contractors.

8. A well contractors' council is established.

9. The council shall consist of the following members:

(1) One well drilling contractor appointed by the governor and subject to confirmation by the senate.

(2) One pump installation contractor appointed by the governor and subject to confirmation by the senate.

(3) One citizen member of the Iowa groundwater association or its successor, appointed by the governor and subject to confirmation by the senate.

(4) One citizen member of the Iowa environmental health association or its successor, appointed by the governor and subject to confirmation by the senate.

(5) The director of the Iowa Department of public health or the director's designee.

(6) The state geologist or the state geologist's designee.

(7) The director of the state hygienic laboratory or the director's designee.

10. Citizen members of the council shall serve two-year terms beginning and ending as provided in section 49.19. A citizen member of the council shall not serve more than two consecutive terms. The council shall be gender balanced, to the extent possible, pursuant to section 49.16A.

11. The well contractors' council shall be dissolved six months after completion of all of the following:

(1) Publication of the consumer information pamphlet.

(2) Adoption of rules by the commission.

(3) Administration of the second certification examination.

12. The department shall develop, in consultation with the well contractors' council, a consumer information pamphlet regarding well construction, well maintenance, well plugging, and Iowa groundwater laws. The department and the council shall review and revise the consumer information pamphlet as necessary. The consumer information pamphlet shall be supplied to well contractors, at cost, and well contractors shall supply one copy at no cost to potential customers prior to initiation of well services.

13. The department shall establish by rule and collect, in consultation with the well contractors' council, the following fees to be used to implement and administer the provisions of this section:

a. An annual certification fee to be paid by certified well contractors. The initial annual certification fee is one hundred fifty dollars. The fee may be increased by rule, as necessary, to reflect the costs of administration of the program. The department may establish a fee for multiyear certification.

b. The department may also charge and collect fees for testing, the provision of continuing education, and other fees related to and based on the actual costs of the well contractor certification program.

14. Rules adopted by the commission shall be developed in consultation with the council. If a majority of the council does not endorse the rules adopted by the commission, notice shall be sent to the administrative rules review committee indicating the council's position.

Sec. 3. Section 455B.171, subsections 25 and 27, Code 1991, are amended to read as follows:

25. "Contractor" means a person engaged in the business of well construction or reconstruction or other well services.

27. "Water well" means an excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted or otherwise constructed for accessing groundwater the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the aquifer. "Water well" does not include an open ditch or drain tiles or an excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried.

Sec. 4. Section 455B.172, subsection 7, Code 1991, is amended to read as follows:

7. The department is the state agency to regulate the registration or certification of water well contractors pursuant to section 455B.187 or section 455B.190A.

Sec. 5. Section 455B.173, subsection 9, Code 1991, is amended to read as follows:

9. Adopt, modify or repeal rules relating to the construction and reconstruction of water wells, the proper abandonment of wells, and the registration or certification of water well contractors. The rules shall include those necessary to protect the public health and welfare, and to protect the waters of the state. The rules may include, but are not limited to, establishing fees for registration or certification of water well contractors, requiring the submission of well driller's logs, formation samples or well cuttings, water samples, information on test pumping and requiring inspections. Fees shall be based upon the reasonable cost of conducting the water well contractor registration or certification program.

Sec. 6. Section 455B.187, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A contractor shall not engage in well construction or reconstruction without first registering or being certified as required in department rules. If a well contractor is registered prior to July 1, 1991, the well contractor shall meet the requirements of certification by July 1, 1993.

Following adoption of the rules establishing a well contractor certification program, a person owning initial well contractor status shall meet the requirements established for certification. Beginning July 1, 1991, the department shall replace the registration program with the well certification program. Water wells shall not be constructed, reconstructed, or abandoned by a person except as provided in this part or rules adopted pursuant to this part. Within thirty days after construction or reconstruction of a well, a contractor shall provide well information required by rule to the department and the Iowa geological survey.

Sec. 7. Section 455B.190, subsection 6, Code 1991, is amended to read as follows:

6. A person who fails to properly plug a well or property the person owns, in accordance with the program established by the department, or as reported by a designated agent or a registered or certified well driller contractor, is subject to a civil penalty of up to one hundred dollars per every five calendar days that the well remains unplugged or improperly plugged. However, the total civil penalty shall not exceed one thousand dollars. The penalty shall only be assessed after the one thousand dollar limit is reached. If the owner plugs the well in compliance with this section, including applicable departmental rules, before the date that the one thousand dollar limit is reached, the civil penalty shall not be assessed. The penalty shall not be imposed upon a person for improperly plugging a well until the department notifies the person of the improper plugging. The moneys collected shall be deposited in the financial incentive portion of the agriculture management account. The department of agriculture

and land stewardship may provide by rule for financial incentive moneys, through expenditure of the moneys allocated to the financial-incentive-program portion of the agriculture management account, to reduce a person's cost in properly plugging wells abandoned prior to July 1, 1987.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 325, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 30, 1991

TERRY E. BRANSTAD
Governor