

JAN 26 1995

HOUSE FILE 86
BY BRUNKHORST

ENVIRONMENTAL PROTECTION

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to eliminate the well contractor certification program.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 86

1 Section 1. Section 455B.172, subsection 7, Code 1995, is
2 amended to read as follows:

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

6 Sec. 2. Section 455B.173, subsection 9, Code 1995, is
7 amended to read as follows:

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

21 Sec. 3. Section 455B.187, unnumbered paragraph 1, Code
22 1995, is amended to read as follows:

23 A contractor shall not engage in well construction or
24 reconstruction without first registering ~~or-being-certified~~ as
25 required in department rules. ~~If-a-well-contractor-is~~
26 ~~registered-prior-to-July-17-1991,-the-well-contractor-shall~~
27 ~~meet-the-requirements-of-certification-by-July-17-1993-~~
28 ~~Following-adoption-of-the-rules-establishing-a-well-contractor~~
29 ~~certification-program,-a-person-seeking-initial-well~~
30 ~~contractor-status-shall-meet-the-requirements-established-for~~
31 ~~certification.--Beginning-July-17-1993,-the-department-shall~~
32 ~~replace-the-registration-program-with-the-well-certification~~
33 program. Water wells shall not be constructed, reconstructed,
34 or abandoned by a person except as provided in this part or
35 rules adopted pursuant to this part. Within thirty days after

1 construction or reconstruction of a well, a contractor shall
2 provide well information required by rule to the department
3 and the Iowa geological survey.

4 Sec. 4. Section 455B.190, subsection 6, Code 1995, is
5 amended to read as follows:

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

28 Sec. 5. Section 455B.190A, Code 1995, is repealed.

29

EXPLANATION

30 This bill repeals the well contractor certification program
31 which is administered by the department of natural resources.
32 The bill includes repeal of the well contractors' council.
33 The program required that by July 1, 1993, persons who were
34 well contractors had to be certified by the department. A
35 well contractor is defined in section 455B.171, subsection 3,

1 to mean any person engaged in the business of well
2 construction or reconstruction or other well services. Under
3 the program, whenever well services were performed, a
4 certified well contractor was required to be present and in
5 direct charge at the well site.

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