

JAN 26 2000

ENVIRONMENTAL PROTECTION

HOUSE FILE
BY THOMAS

2078

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

A BILL FOR

1 An Act relating to the certification of pump installers, creating
 2 a well contractor and pump installer certification fund, and
 3 appropriating moneys from the fund.

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

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HF 2078

1 Section 1. Section 455B.190A, subsection 4, Code 1999, is
2 amended to read as follows:

3 4. The department shall develop, in consultation with the
4 well contractors' council, a consumer information pamphlet
5 regarding well construction, well maintenance, well plugging,
6 and Iowa groundwater laws. The pamphlet shall include all
7 information included in the consumer information pamphlet
8 provided for in section 455B.190B, subsection 4. The
9 department ~~and the council~~ shall review and revise the
10 consumer information pamphlet as necessary. The consumer
11 information pamphlet shall be supplied to well contractors, at
12 cost, and well contractors shall supply one copy at no cost to
13 potential customers prior to initiation of well services.

14 Sec. 2. Section 455B.190A, subsection 5, unnumbered
15 paragraph 1, Code 1999, is amended to read as follows:

16 The department shall establish by rule, and collect, in
17 ~~consultation with the well contractors' council~~, and deposit
18 in the well contractor and pump installer certification fund
19 the following fees to be used to implement and administer the
20 provisions of this section:

21 Sec. 3. NEW SECTION. 455B.190B PUMP INSTALLER
22 CERTIFICATION.

23 1. As used in this section:

24 a. "Abandoned well" means abandoned well as defined in
25 section 455B.171.

26 b. "Contractor" means a person engaged in the business of
27 installing, repairing, and maintaining water systems for
28 wells.

29 c. "Examination" means an examination for pump installers
30 which includes, but is not limited to, relevant aspects of
31 Iowa groundwater law, well construction, well maintenance,
32 well abandonment, and pump services practices which protect
33 groundwater and water supplies.

34 d. "Groundwater" means groundwater as defined in section
35 455E.2.

1 e. "Pump installers' council" means the council
2 established in subsection 3.

3 f. "Pump installer" means a person who installs, repairs,
4 services, rehabilitates, or services a water system of a
5 public or private water well.

6 g. "Pump services" means the installation, repair, and
7 maintenance of water systems for wells.

8 h. "Water systems" means any part of the mechanical
9 portion of a water well that delivers water from the well to a
10 valve that separates the well from the plumbing system.
11 "Water systems" includes the pump, drop pipe in the well,
12 electrical wire from the pump to the electrical panel, piping
13 from the well to the pressure tank, pitless unit or adaptor,
14 and all related miscellaneous fittings necessary to operate
15 the well pump. "Water systems" does not include any outside
16 piping to other buildings, and does not include the piping
17 that carries the water in the remainder of the distribution
18 system.

19 i. "Well" means water well as defined in section 455B.171.

20 2. The department shall establish a pump installer
21 certification program which shall include:

22 a. A person shall not act as a pump installer on or after
23 July 1, 2001, unless the person is certified by the department
24 pursuant to this section.

25 b. The examination shall be developed by the department in
26 consultation with the pump installers' council. The
27 examination shall be updated as necessary to reflect current
28 groundwater law, well construction, well maintenance, well
29 abandonment, and pump services practices.

30 c. Provisional certification may be obtained by an
31 applicant in instances of shortages of certified personnel if
32 all of the following conditions are met:

33 (1) The applicant provides documentation of at least one
34 year of work experience in pump services performed under the
35 direct supervision of a certified pump installer.

1 (2) The applicant successfully completes the examination.

2 (3) A certified pump installer who employs an applicant
3 for pump installer certification cosigns the application for
4 provisional certification. An employer who cosigns an
5 application for provisional certification is jointly liable
6 for a violation of the rules regarding pump services by the
7 provisionally certified pump installer and the violation is
8 grounds for the suspension or revocation of certification of
9 the certified pump installer and the provisionally certified
10 pump installer.

11 d. The department may provide for multiyear certification
12 of pump installers.

13 e. The department shall develop continuing education
14 requirements for certification of a pump installer in
15 consultation with the pump installers' council.

16 f. A certified pump installer shall be present at the well
17 site and in direct charge of the services whenever pump
18 services are provided, unless the pump services are being
19 performed at a well site owned by the person performing the
20 services.

21 g. Violation of the rules regarding pump services are
22 grounds for suspension or revocation of certification.

23 h. The department shall specify certification
24 requirements, minimum work experience levels, successful
25 completion of an examination, and continuing education
26 requirements.

27 3. A pump installers' council is established.

28 a. The council shall consist of the following members:

29 (1) Two well drilling contractors appointed by the
30 governor and subject to confirmation by the senate.

31 (2) Two pump installers appointed by the governor and
32 subject to confirmation by the senate.

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

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

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

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

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

9 b. Citizen members of the council shall serve two-year
10 terms beginning and ending as provided in section 69.19. A
11 citizen member of the council shall not serve more than two
12 consecutive terms. The council shall be subject to sections
13 69.16 and 69.16A.

14 4. The department shall develop, in consultation with the
15 pump installers' council, a consumer information pamphlet
16 regarding pump services, well construction, well maintenance,
17 well plugging, and Iowa groundwater laws. The consumer
18 information pamphlet shall include all information included in
19 the consumer information pamphlet provided for in section
20 455B.190A, subsection 4. The department and the council shall
21 review and revise the consumer information pamphlet as
22 necessary. The consumer information pamphlet shall be
23 supplied to pump installers, at cost, and pump installers
24 shall supply one copy at no cost to potential customers prior
25 to initiation of pump services.

26 5. The department, in consultation with the pump
27 installers' council, shall establish by rule, collect, and
28 deposit in the well and pump installer certification fund the
29 following fees to be used to implement and administer the
30 provisions of this section:

31 a. An annual certification fee to be paid by certified
32 pump installers. The initial annual certification fee is one
33 hundred fifty dollars. The fee may be increased by rule, as
34 necessary, to reflect the costs of administration of the
35 program. The department may establish a fee for multiyear

1 certification.

2 b. The department may also charge and collect fees for
3 testing, the provision of continuing education, and other fees
4 related to and based on the actual costs of the pump installer
5 certification program.

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

11 Sec. 4. NEW SECTION. 455B.190C WELL CONTRACTOR AND PUMP
12 INSTALLERS' CERTIFICATION FUND.

13 A well contractor and pump installers' certification fund
14 is created in the state treasury under the control of the
15 department consisting of any moneys appropriated by the
16 general assembly and any moneys received by the department as
17 a result of fees established under sections 455B.190A,
18 subsection 5, and 455B.190B, subsection 5. Moneys in the fund
19 are appropriated and shall be used for purposes of
20 implementing and administering sections 455B.190A and
21 455B.190B. Notwithstanding section 8.33, all moneys in the
22 well and pump contractors certification fund that remain
23 unencumbered or unobligated at the close of the fiscal year
24 shall not revert but shall remain available for expenditure
25 for succeeding fiscal years.

26 Sec. 5. WAIVER OF CERTIFICATION REQUIREMENTS FOR PERSONS
27 TRANSFERRING CERTIFICATIONS. A person certified as a well
28 contractor pursuant to section 455B.190A on the effective date
29 of this Act is eligible to become certified as a pump
30 installer under section 455B.190B and have the requirements of
31 section 455B.190B waived for purposes of the initial
32 certification provided that notification is given to the
33 department of natural resources regarding the certified
34 person's request to transfer certification by July 1, 2001. A
35 person who transfers certification to a pump installer

1 certification under this section shall have the well
2 contractor certification terminated upon being certified as a
3 pump installer pursuant to section 455B.190B. A person
4 certified as a well contractor and a pump installer pursuant
5 to sections 455B.190A and 455B.190B shall meet all
6 requirements of both sections.

7 EXPLANATION

8 This bill creates a certification program for pump
9 installers and a fund for well contractor and pump installer
10 certification programs.

11 The bill provides that the department of natural resources
12 shall establish a pump installer certification program which
13 shall include specification of certification requirements,
14 requirements that a certified pump installer be present at a
15 well site and be in charge at the site whenever pump services
16 are being performed, and continuing education requirements.

17 The bill provides that an examination shall be developed for
18 the certification program.

19 The bill provides that a person shall not act as a pump
20 installer on or after July 1, 2001, unless the person is
21 certified. The bill provides that pump services may be
22 performed by an uncertified person if the well site is owned
23 by the person. The bill provides for provisional
24 certifications.

25 The bill provides for the establishment of a pump
26 installers' council for purposes aiding the department in
27 developing continuing education requirements, an examination,
28 and a consumer information pamphlet. The bill provides that
29 the pamphlet shall include information relating to both the
30 well contractor and pump installers.

31 The bill provides that the environmental protection
32 commission shall adopt administrative rules in consultation
33 with the council.

34 The bill provides that the department, in consultation with
35 the council, shall establish fees for the certification

1 program and such fees shall be deposited in the well
2 contractor and pump installer certification fund created in
3 the bill. The bill provides that the moneys in the fund are
4 appropriated and shall be used for purposes of administering
5 the well contractor certification program and the pump
6 installer certification program.

7 The bill provides that a person certified as a well
8 contractor on the effective date of the bill is eligible to
9 become certified as a pump installer and have the pump
10 installer certification requirements waived for purposes of
11 the initial certification provided that notification is given
12 to the department by July 1, 2001. The bill provides that a
13 person certified as a well contractor and a pump installer
14 shall meet all requirements of both certification programs.

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