

Chapter No. 411
10/HR03/R55SG
JP / CT

HOUSE BILL NO. 432

Originated in House Don Richardson Clerk

HOUSE BILL NO. 432

AN ACT TO AMEND SECTION 51-5-1, MISSISSIPPI CODE OF 1972, TO REQUIRE PERSONS, FIRMS AND CORPORATIONS DEVELOPING WELLS TO OBTAIN A WATER WELL CONTRACTOR'S LICENSE; TO PROHIBIT THE ASSIGNMENT OF SUCH LICENSES; TO REQUIRE THE CERTIFICATION OF COMPLETION OF CONTINUING EDUCATION UNITS AS MAY BE REQUIRED AND APPROVED BY THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY FOR THE RENEWAL OF SUCH LICENSES; TO CLARIFY THE AUTHORITY OF THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY; TO PROVIDE A LICENSE EXEMPTION FOR PERSON DRILLING AN IRRIGATION WELL ON HIS OWN FARM; TO AMEND SECTIONS 51-5-3 AND 51-5-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 51-5-1, Mississippi Code of 1972, is amended as follows:

51-5-1. (1) Every person, firm and corporation desiring to engage in the business of drilling and developing wells for underground water, including drilling any wells or boreholes that may penetrate water-bearing formations, in the State of Mississippi, shall file an application with the Mississippi Commission on Environmental Quality (commission) for a water well contractor's license, using forms prepared by the commission, setting out qualifications therefor and providing such other information, including test scores from any examination, oral or written, as may be required by the commission. Developing wells shall include the installation and servicing of pumps and well equipment, but shall not include the installation and servicing of above-ground pumps. The fee for such license and renewal thereof shall be One Hundred Dollars (\$100.00) for each year.

(2) All licenses shall expire on June 30 of each year.

Licenses shall not be transferable or assignable. * * * A license

may be renewed and shall be renewable without examination for the ensuing year by making an application not later than the expiration date, providing certification that the required continuing education units have been completed, and paying the applicable fee. Such application shall have the effect of extending the validity of the current license until the new license is issued or until the applicant is notified by the commission that the request for renewal has been denied * * *. If an application has not been received by the commission by the expiration date, the license will expire and the licensee will be prohibited from performing any work for which the license is required until such time as the license has been reinstated. On application made after June 30 of each year, the license may be reinstated only upon compliance with all requirements for renewal, including payment of the applicable fee, plus a penalty of Ten Dollars (\$10.00) for each month or fraction thereof the application is delinquent. Failure to request reinstatement within one (1) year after a license has expired may, in the discretion of the commission, be deemed a waiver of the licensee's right to reinstatement without examination; and if he should request reinstatement thereafter, the commission may require that he be considered * * * a new applicant subject to all requirements for initial licensing including the requirement for examination.

(3) Nothing in this chapter shall prevent a person who has not obtained a license pursuant thereto from constructing a water well on his own or leased property intended for use only in a single family house which is his permanent residence, or intended for use only for watering livestock on his farm, and where the waters to be produced are not intended for use by the public or any residence other than his own. However, such person shall comply with all rules and regulations as to the construction of wells as set out by the provisions of this chapter.

(4) (a) Nothing in this chapter shall prevent a person who has not obtained a license pursuant thereto from constructing a water well on his own or leased property intended for use only for irrigating crops on his farm. However, such person shall comply with all rules and regulations as to the construction of wells as set out by the provisions of this chapter.

(b) This subsection shall repeal on July 1, 2011.

(5) This section shall not apply to any person who performs labor or services at the direction and under the personal supervision of a licensed well contractor.

* * *

(6) Any person whose license has been revoked may, upon application for a new license, be required, in the discretion of the board, to take the examination and in all other ways be considered as a new applicant.

(7) As used in this chapter, the terms "state board of water commissioners," "board" and "commission" mean the Mississippi Commission on Environmental Quality.

SECTION 2. Section 51-5-3, Mississippi Code of 1972, is amended as follows:

51-5-3. (1) In order to be licensed as a water well contractor in the State of Mississippi, the applicant must be qualified as set out below:

(a) Be at least twenty-one (21) years of age;

(b) Be of good moral character;

(c) Demonstrate to the satisfaction of the commission a reasonable knowledge of this chapter and the rules and regulations adopted by the commission under the provisions of this chapter;

(d) Possess the necessary drilling equipment, or present to the commission sufficient evidence to show that he has access to the use of such equipment at any time he needs it; and

(e) Have not less than three (3) years' experience in the work for which he is applying for a license.

(2) Each applicant shall be required to present to the examining committee three (3) notarized affidavits from licensed water well contractors showing that such applicant has the necessary qualifications and experience to meet the above-stated standards.

SECTION 3. Section 51-5-5, Mississippi Code of 1972, is amended as follows:

51-5-5. (1) In carrying out the provisions of this chapter, the commission shall have, but shall not be limited to, * * * the following powers:

(a) Make reasonable rules and regulations for the purpose of carrying out the provisions of this chapter.

(b) Prepare required forms and establish other procedures to govern the submission of applications, reports, and other information authorized to be sent the commission as required by this chapter.

(c) Prepare and give reasonable oral and/or written examinations for license applicants.

(d) Deposit all fees in a special fund for the implementation of this chapter.

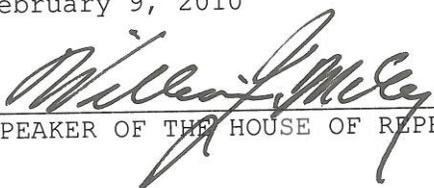
(e) Enter upon and be given access to any premises for the purpose of inspecting water wells.

(f) Require and approve the completion of continuing education units for license renewal applicants.

(2) If the commission finds that compliance with all the requirements of this chapter would result in undue hardship, an exemption from any one or more of such requirements may be granted by the commission to the extent necessary to ameliorate such undue hardship and to the extent such exemption can be granted without impairing the intent and purpose of this chapter.

SECTION 4. This act shall take effect and be in force from
and after July 1, 2010.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 9, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 3, 2010


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

3/17/10

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