

HB69 ENGROSSED



1 HB69
2 CX3Y3JJ-2
3 By Representative Hammett
4 RFD: State Government
5 First Read: 13-Jan-26
6 PFD: 02-Dec-25



HB69 Engrossed

A BILL

TO BE ENTITLED

AN ACT

Relating to the Alabama Department of Environmental Management and well driller licenses; to amend Sections 22-24-1, 22-24-2, 22-24-3, 22-24-4, 22-24-5, 22-24-7, 22-24-8, and 22-24-11 of the Code of Alabama 1975; to further provide for the licensing of well drillers and other persons doing related activity; to increase the fees for licensure and provide a two-year licensure period; to require continuing education of licensees; and to authorize the Environmental Management Commission to adopt rules.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§22-24-1

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

(1) ~~BOARD. The Alabama Department of Environmental Management.~~ CATHODIC PROTECTION WELL. A borehole drilled for the purpose of installing equipment or a system for the



HB69 Engrossed

electrical protection of metallic structures from corrosion.

~~(2) DIRECTOR. The Director of the Alabama Department of Environmental Management.~~COMMISSION. The Environmental Management Commission.

(3) DEPARTMENT. The Alabama Department of Environmental Management.

~~(3)(4) DRILL. To drill or~~ redrill, bore, auger, dig, or otherwise construct a ~~water~~ well.

~~(4)(5) DRILLER. Any person who manages or supervises the drilling of a~~ ~~water~~ well.

(6) GEOTHERMAL WELL. A borehole drilled for the purpose of obtaining or exchanging geothermal energy for use with geothermal air conditioning or heat pump systems. The term does not include any offshore well.

~~(5)(7) LOG. A record of the type of material or rock penetrated in the drilling of a~~ ~~water~~ well.

(8) MONITORING WELL. A borehole drilled for the purpose of locating and sampling for engineering or geological data.

~~(6)(9) PERSON. Any individual, organization, group, association, partnership, corporation, or any combination of them~~ other business entity operating a business to drill ~~water~~ wells.

(10) PUMP. All machinery, parts, and fittings installed on or attached to a well.

(11) RELATED ACTIVITY. Any activity reasonably related to drilling, maintaining, or repairing a well or pump, including grouting, plugging, abandoning, and decommissioning a well or borehole.



HB69 Engrossed

57 ~~(7)~~ (12) SAMPLE. Cuttings or other fragments of rock or
58 soil materials removed from ~~the~~ a well.

59 ~~(8)~~ (13) WATER WELL. A ~~hole~~ borehole drilled for the
60 production of water.

61 (14) WELL. A water well, monitoring well, geothermal
62 well, or cathodic protection well."

63 "§22-24-2

64 (a) It is the intent of the Legislature that this
65 chapter applies solely to ~~wells drilled for the production of~~
66 ~~water and~~ water wells, monitoring wells, geothermal wells, and
67 cathodic protection wells; pump installation, maintenance, and
68 repair; and any related activity.

69 (b) This chapter has no application to wells or holes
70 drilled, augered, cored, or dug for quarry blast holes or
71 mineral prospecting ~~or any purpose other than water~~
72 ~~production."~~

73 "§22-24-3

74 (a) ~~The board is authorized and directed to make,~~
75 ~~promulgate and publish such~~ commission shall adopt rules
76 pursuant to the Alabama Administrative Procedure Act, Chapter
77 22 of Title 41, and Section 22-22A-8 of the Environmental
78 Management Act ~~and regulations as it deems reasonable and~~
79 ~~necessary to effectuate and carry out the purpose and~~
80 ~~provisions of this chapter, and a true copy of such rules and~~
81 ~~regulations shall be kept on file with the Secretary of State~~
82 ~~and copies thereof shall be made available for public~~
83 ~~distribution.~~

84 (b) Prior to any rule change being proposed by the



HB69 Engrossed

85 commission, the department shall consult with the Alabama
86 Ground Water Association and other affected parties, as
87 determined by the department, not less than 60 days prior to
88 any proposed rule change being filed with the Legislative
89 Services Agency, Legal Division.

90 (c) The ~~board~~ department shall ~~cause~~ administer and
91 enforce this chapter and all rules ~~and regulations~~ it
92 ~~promulgates to be enforced~~ adopted pursuant to this chapter."

93 "§22-24-4

94 ~~It shall be unlawful for any~~ No person to operate any
95 ~~equipment or machinery in the drilling~~ may drill or repair of
96 a water well, monitoring well, geothermal well, or cathodic
97 protection well; install, maintain, or repair a pump; or
98 perform any related activity unless the ~~overall~~ operation is,
99 at all times, ~~performed by or~~ under the supervision and
100 management of a person licensed ~~water well driller as provided~~
101 ~~for in~~ pursuant to this chapter."

102 "§22-24-5

103 ~~Every person who intends to drill water wells within~~
104 ~~the State of Alabama shall annually obtain from the board a~~
105 ~~water well driller's license and, in order to obtain said~~
106 ~~license, shall file with the board, in accordance with rules~~
107 ~~and regulations as established by the board, an application~~
108 ~~form, to be made available by the board. Any person, upon~~
109 ~~filing said application and receiving approval of the board,~~
110 ~~shall pay an annual fee of \$200.00 to the board, and the~~
111 ~~payment of said fee shall entitle said person to the full and~~
112 ~~complete privileges of drilling water wells, as provided in~~



HB69 Engrossed

~~this chapter, and the board shall issue a license for a period not to exceed one year. Said annual fee paid to the board shall not exempt a person from additional state or county privilege taxes.~~ (a) A person who manages or supervises the drilling or repair of a water well, monitoring well, geothermal well, or cathodic protection well; installs, maintains, or repairs a pump; or performs any related activity shall be licensed under this chapter.

(b) The department shall issue two types of licenses as follows:

(1) An Unrestricted Well Driller's License. A license that authorizes a person to engage in the business of: (i) drilling and repairing water wells, monitoring wells, geothermal wells, and cathodic protection wells; (ii) installing, maintaining, and repairing pumps; and (iii) any related activity.

(2) A Restricted License. A license that authorizes a person to engage in only one or more of the following activities as specified in the conditions of the license:

a. Drilling of and related activity for a specific type of well.

b. Installation, maintenance, and repair of pumps.

(c) A license may be issued to an individual or to a business entity. A license may only be issued to a business entity if a principal employee who is individually licensed is listed on the business entity's license.

(d) Commencing October 1, 2026, all licenses issued by the department shall be valid for a two-year license period.



HB69 Engrossed

(e) (1) The department shall charge a fee to issue a license as follows:

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

b. A restricted license fee shall be five hundred dollars (\$500).

(2) An additional fee of five hundred dollars (\$500) shall be charged for the issuance of a business license.

(f) A license shall be renewed on October 1 and shall be delinquent if not paid by December 31 of each renewal period. Any renewal that is delinquent may be renewed by the payment of an additional delinquency fee of twenty dollars (\$20) per month of delinquency, for up to one year.

(g) An applicant for an initial individual license shall be subject to examination and shall satisfy all requirements as provided by rule of the commission. The license fee for a new licensee shall be prorated on a monthly basis for the balance of the license period.

(h) (1) Commencing on the renewal of each license for the license period beginning on October 1, 2028, each individual licensee shall submit proof of completing eight hours of continuing education approved by the department according to license type to renew a license.

(2) A licensee who fails to submit proof of completing the required continuing education shall be given a grace period to complete the continuing education until March 31 after the commencement of the new license period."

"§22-24-7



HB69 Engrossed

(a) ~~A license may be refused or~~ The department may
refuse to issue a license, a suspend or revoke an issued
license duly issued may be suspended or revoked, or the refuse
to renew a license renewal thereof refused by the board, if,
after notice and hearing as provided in this section, ~~it the~~
department finds that the applicant for, or holder of, ~~such a~~
license:

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

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

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

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

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

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

(b) Before any license ~~shall be~~ is refused, ~~or~~
suspended, or revoked, or the renewal thereof of a license is
refused, under this section, the board department shall give
notice of its intention to do so by registered or certified
mail to the applicant for, or holder of, ~~such a~~ license and
shall set a date not less than 20 days from the date of
mailing ~~such the~~ notice when the applicant or licensee may
appear to be heard and produce evidence. ~~In the conduct of~~
~~such~~ During the hearing, the ~~board~~ department, or an



HB69 Engrossed

197 authorized representative specially designated by ~~it~~ the
198 department for ~~such~~ that purpose, ~~shall have power to~~ may
199 administer oaths, ~~to~~ require the appearance of and examine any
200 person under oath, ~~to~~ and require the production of books,
201 records, or papers relevant to the inquiry upon its own
202 initiative or upon the request of the applicant or licensee.
203 ~~Upon termination of such~~ the conclusion of the hearing, the
204 findings shall be reduced to writing and, upon approval by the
205 ~~board department,~~ shall be filed in its office and notice of
206 the findings and resulting decision shall be sent by
207 registered or certified mail to the applicant or licensee
208 concerned.

209 (c) No licensee whose license has been revoked under
210 this section shall be entitled to file another application for
211 a license ~~as a water well driller~~ under this chapter within
212 one year from the effective date of ~~such~~ the revocation or, if
213 judicial review of ~~such~~ the revocation is sought, within one
214 year from the date of final court order or judgment affirming
215 ~~such~~ the revocation. ~~Such~~ The application, when filed, may be
216 refused by the ~~board~~ department unless the applicant shows
217 good cause why revocation of his or her license shall not be
218 deemed a bar to the issuance of a new license."

219 "§22-24-8

220 ~~It shall be unlawful and a violation of this chapter to~~
221 ~~drill a water well within the State of Alabama unless the~~
222 ~~following provisions are complied with:~~ (a) A licensee shall do
223 all of the following while performing an activity for which a
224 license is required by this chapter:



HB69 Engrossed

~~(1) The driller of the water well shall be licensed as provided in Section 22-24-5.~~

~~(2) (1) The driller shall, at~~ At all times during the drilling of a ~~water~~ well, keep posted in a conspicuous location, ~~at or near the well being drilled or on his person,~~ the appropriate license certificate as furnished on the drilling equipment a current sticker issued by the department indicating licensure by the board.

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

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

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

(b) The commission, by rule, may adopt a schedule of fees due for the filing of a well completion certification form pursuant to subdivision (a) (3). A fee may not exceed one



HB69 Engrossed

253 thousand dollars (\$1,000) and shall be in an amount according
254 to whether the well is used for an industrial, commercial, or
255 domestic purpose or other criteria as determined by rule of
256 the commission. The fee for a single-family residence or
257 duplex may not exceed two hundred fifty dollars (\$250). The
258 fees may be paid electronically. All fees shall be deposited
259 into the Environmental Management Fund and used for the
260 administration of this chapter and shall not revert to the
261 State General Fund at the end of each fiscal year."

262 "§22-24-11

263 ~~Any person guilty of violating any of the provisions of~~
264 ~~who violates this chapter or any rule adopted pursuant to this~~
265 ~~chapter or the rules and regulations adopted thereunder shall~~
266 ~~be guilty of a misdemeanor and may be punished by a fine of~~
267 ~~not less than \$100.00 nor more than \$500.00 for each~~
268 ~~violation. Each day the violation continues shall be~~
269 ~~considered a separate violation. Any and all funds derived~~
270 ~~from such fines shall be deposited with the State Treasurer in~~
271 ~~the Alabama Department of Environmental Management Fund is~~
272 subject to Section 22-22A-5 of the Alabama Environmental
273 Management Act."

274 Section 2. All rules of the Alabama Department of
275 Environmental Management in Division 9 of Title 335 of the
276 Alabama Administrative Code shall continue as rules of the
277 Environmental Management Commission until amended or repealed.

278 Section 3. This act shall become effective on October
279 1, 2026.



HB69 Engrossed

House of Representatives

Read for the first time and referred13-Jan-26
to the House of Representatives
committee on State Government

Read for the second time and placed14-Jan-26
on the calendar:
0 amendments

Read for the third time and passed22-Jan-26
as amended
Yeas 93
Nays 0
Abstains 9

John Treadwell
Clerk