

## LEGISLATIVE BILL 133

Approved by the Governor March 5, 2001

Introduced by Schrock, 38; Bromm, 23; Bruning, 3; Hudkins, 21; Jones, 43;  
 Kremer, 34; Preister, 5; Stuhr, 24

AN ACT relating to water wells; to amend sections 46-1201, 46-1202, 46-1203, 46-1214.01, 46-1223, 46-1231, and 46-1233.01, Reissue Revised Statutes of Nebraska; to provide for certification of natural resources ground water technicians; to change provisions relating to water well monitoring supervisors; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 46-1201, Reissue Revised Statutes of Nebraska, is amended to read:

46-1201. Sections 46-1201 to 46-1241 and sections 4, 5, and 7 of this act shall be known and may be cited as the Water Well Standards and Contractors' Licensing Act.

Sec. 2. Section 46-1202, Reissue Revised Statutes of Nebraska, is amended to read:

46-1202. ~~It is hereby declared that the purpose~~ The purposes of the Water Well Standards and Contractors' Licensing Act ~~is~~ are to: (1) Provide for the protection of ground water through the licensing and regulation of water well contractors and pump installation contractors and the certification of water well drilling supervisors, ~~and pump installation supervisors, water well monitoring technicians, and natural resources ground water technicians~~ in the State of Nebraska; (2) protect the health and general welfare of the citizens of the state; (3) protect ground water resources from potential pollution by providing for proper siting and construction of water wells and proper decommissioning of illegal water wells; and (4) provide data on potential water supplies through well logs which will promote the economic and efficient utilization and management of the water resources of the state.

Sec. 3. Section 46-1203, Reissue Revised Statutes of Nebraska, is amended to read:

46-1203. For purposes of the Water Well Standards and Contractors' Licensing Act, unless the context otherwise requires, the definitions found in sections 46-1205 to 46-1216 and sections 4 and 5 of this act shall be used.

Sec. 4. Certified natural resources ground water technician means a natural resources ground water technician who has taken a training course, passed an examination based on the training course, and received a certificate from the department indicating that he or she is a certified natural resources ground water technician.

Sec. 5. Natural resources ground water technician means any individual employed by a natural resources district and engaged in the inspection of chemigation systems, measuring and recording static water levels, inspection and servicing of flow meters, and water sampling practices and techniques. Natural resources ground water technician does not include: (1) An individual who constructs a water well or installs or repairs pumps or pumping equipment or a water well; (2) a water well monitoring technician; or (3) an individual who carries out the measurement, sampling, or inspection of a water well which is on land owned by him or her and used by him or her for farming, ranching, or agricultural purposes or as his or her place of abode.

Sec. 6. Section 46-1214.01, Reissue Revised Statutes of Nebraska, is amended to read:

46-1214.01. Water well monitoring ~~supervisor shall mean technician~~ means any individual engaged solely in the measuring of ground water levels, the collection of ground water samples from existing water wells, or the inspection of installed water well equipment, ~~or pumping systems. Water well monitoring technician does not include: (1) An individual who constructs a water well or installs or repairs pumps or pumping equipment or a water well; or (2) a natural resources ground water technician; or (3) an individual who carries out the measurement, sampling, or inspection of a water well which is on land owned by him or her and used by him or her for farming, ranching, or agricultural purposes or as his or her place of abode.~~

Sec. 7. The department shall develop a certification program that is designed to train individuals to become certified natural resources ground water technicians. Such course shall be developed by the department in consultation with the natural resources districts. Such course shall include

inspection of chemigation systems, measuring and recording static water levels, inspecting and servicing flow meters, and taking water samples. Training sessions shall not be less than two hours and shall not exceed eight hours. At the end of the training session, individuals taking the training shall be required to take a written examination.

Sec. 8. Section 46-1223, Reissue Revised Statutes of Nebraska, is amended to read:

46-1223. (1) The department with the assistance of the board shall cause examination to be made of applicants for licensure or certification. The board shall determine the type, categories, contents, and required passing grade of examinations to be administered to applicants for licensing or certification. Examinations shall be held at such times and places as the department, with the advice of the board, may determine. The department shall act within ninety days upon all completed applications for licensure or certification.

(2) Examinations for water well monitoring ~~supervisors~~ technicians shall be designed and adopted to examine the knowledge of the applicant regarding the minimum standards for water wells and water well pumps, the geological characteristics of the state, measuring ground water levels, and water sampling practices and techniques. Examinations for natural resources ground water technicians shall examine the knowledge of the applicant regarding inspection of chemigation systems, measuring and recording static water levels, inspecting and servicing flow meters, and water sampling practices and techniques. All other examinations shall be designed and adopted to examine the knowledge of the applicant regarding the minimum standards for water wells and water well pumps, the geological characteristics of the state, current drilling or pump installation practices and techniques, and such other knowledge as deemed appropriate by the board. The board may adopt any nationally developed standard examinations as constituting part or all of the Nebraska examinations.

(3) An examinee who fails to pass the initial examination may retake such examination without charge at any regularly scheduled examination held within four months after failing to pass the initial examination, except that when a national standardized examination is utilized which requires the payment of a fee to purchase such examination, the board shall require the applicant to pay the appropriate examination fee whether an initial examination or a retake of an examination is involved.

(4) In cases of hardship, the board may provide and direct that special arrangements for administering examinations be utilized. The board may also provide for temporary hardship licensing without examination due to the death of the current license holder or for other good cause shown.

Sec. 9. Section 46-1231, Reissue Revised Statutes of Nebraska, is amended to read:

46-1231. Each water well drilling supervisor, pump installation supervisor, natural resources ground water technician, and water well monitoring ~~supervisor~~ technician shall make application for a certificate of competence in his or her respective trade. The application shall include the applicant's social security number. Such application shall be made to the department which shall charge an application fee set by the board pursuant to section 46-1224 for the filing of such application, and the department shall not act upon any application until the application fee for such certificate has been paid. A certificate shall be issued to every applicant who successfully passes the examination for such certificate, pays the appropriate certification fee, and otherwise complies with the Water Well Standards and Contractors' Licensing Act and all standards, rules, and regulations adopted and promulgated pursuant to such act. Any individual employed by a water well contractor or a pump installation contractor who is not deemed to qualify as a water well drilling supervisor or pump installation supervisor may make application for a certificate of competence in his or her respective trade in the same manner as the water well drilling supervisor or the pump installation supervisor.

Sec. 10. Section 46-1233.01, Reissue Revised Statutes of Nebraska, is amended to read:

46-1233.01. Except as provided in section 46-1233, after September 6, 1991, no water well shall be opened or the seal broken by any person other than an owner of the water well unless the opening or the breaking of the seal is carried out by a certified water well monitoring ~~supervisor~~ technician or natural resources ground water technician.

Sec. 11. Original sections 46-1201, 46-1202, 46-1203, 46-1214.01, 46-1223, 46-1231, and 46-1233.01, Reissue Revised Statutes of Nebraska, are repealed.