

Amendment - 1st Reading/2nd House-blue - Requested by: Mike Vinton - Conference Committee on HB 59

- 2025

69th Legislature 2025

Drafter: Toni Henneman,

HB0059.003.001

HOUSE BILL NO. 59

INTRODUCED BY M. VINTON

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO WATER WELL CONTRACTORS; REVISING WHO MAY CONTRACT ON BEHALF OF A LICENSED WATER WELL CONTRACTOR; CLARIFYING LICENSURE REQUIREMENTS FOR THE ABANDONMENT OR DECOMMISSIONING OF WELLS; INCREASING THE BOND AMOUNT REQUIRED FOR WATER WELL CONTRACTOR LICENSURE; ~~PROVIDING FOR REVIEW OF DRILLER WELL LOGS;~~ REVISING COMPLAINT ~~AND~~ AND INVESTIGATION PROCEDURES; AND AMENDING SECTIONS 37-43-301, 37-43-302, 37-43-306, ~~AND~~ AND 37-43-309, ~~37-43-313, AND 85-2-516,~~ MCA."

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

Section 1. Section 37-43-301, MCA, is amended to read:

"37-43-301. Licensed person to supervise all construction. (1) Any firm, corporation, or partnership may engage in the business of constructing water wells provided a licensed water well contractor is placed in charge of all water well construction.

(2) ~~_____ The licensed water well contractor must be the individual who contracts on behalf of the firm, corporation, or partnership.~~

(3)(2) A licensed water well driller, pursuant to 37-43-305, must be employed by a licensed water well contractor."

Section 2. Section 37-43-302, MCA, is amended to read:

"37-43-302. License required. (1) The drilling, making, or construction of water wells and monitoring wells is declared to be a business and activity affecting the public interest and requiring reasonable standards of competence. Except as provided in subsection (2), it is unlawful for any water well contractor, water well

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1 **"37-43-306. Bond to be required.** (1) The department, on issuance of a water well contractor's or
2 monitoring well constructor's license under this chapter, shall require, before the person commences operations
3 in this state, a good and sufficient surety bond or its equivalent in a certificate of deposit, cashier's check, bank
4 draft, or certified check, to be approved by the board, in the sum of ~~\$4,000~~ \$25,000, conditioned that the
5 licensee will comply with the rules of the board.

6 (2) A person who is licensed in more than one category need supply only one surety bond or its
7 equivalent in a certificate of deposit, cashier's check, bank draft, or certified check, to be approved by the
8 board, for ~~\$4,000~~ \$25,000.

9 (3) A state or federal employee who is bonded by the state or federal government is not required
10 to supply a bond during the course of employment with the state or federal government. A bond is required if
11 the person ceases government employment.

12 (4) In lieu of the requirements of subsections (1) through (3), a firm, corporation, or partnership
13 having more than two licensed water well contractors or monitoring well constructors may submit one bond in
14 the amount of ~~\$10,000~~ \$25,000 for the entire firm, corporation, or partnership."

16 **Section 4.** Section 37-43-309, MCA, is amended to read:

17 **"37-43-309. Complaints and investigations.** The board may investigate complaints against
18 licensees to determine compliance with the laws and rules of this chapter. ~~Licensees must be given an~~
19 ~~opportunity to respond to complaints and demonstrate or achieve legal compliance prior to disciplinary action.~~
20 LICENSEES MUST BE GIVEN AN OPPORTUNITY TO RESPOND TO A COMPLAINT, AFTER WHICH THE BOARD MAY BEGIN
21 DISCIPLINARY ACTION UNDER 37-43-310. The board may require complainants and licensees to appear before the
22 board to discuss complaints and to attempt to settle differences."

24 ~~**SECTION 5. SECTION 37-43-313, MCA, IS AMENDED TO READ:**~~

25 ~~**"37-43-313. Disciplinary authority.** (1) If the board finds grounds for disciplinary action, as provided~~
26 ~~in subsection (2), the board may by order:~~

27 ~~(a) — require a licensee to repair or reconstruct substandard wells at the licensee's expense to meet~~

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~~board standards;~~

~~(b) — require a licensee to take further training or education;~~

~~(c) — place probationary terms and conditions on a license;~~

~~(d) — suspend a license for a period not to exceed 1 year; or~~

~~(e) — revoke a license, specifying that the licensee may not reapply for licensure for a period of 3 years from the date of revocation.~~

~~(2) — Grounds for disciplinary action include:~~

~~(a) — violating the rules, construction standards, or laws established by the board and this chapter;~~

~~(b) — disobeying an order from the board to repair or reconstruct a substandard well;~~

~~(c) — violating probationary terms of or conditions on a license;~~

~~(d) — failing to submit a well log report pursuant to 85-2-516 in a complete or timely manner;~~

~~(d)(e) — misrepresenting facts on well log reports, license or renewal applications, or apprenticeship records or in response to board inquiries; or~~

~~(e)(f) — failing to maintain qualifications for licensure as specified in 37-43-305.~~

~~(3) — This section may not be interpreted to conflict with the provisions of 37-1-138."~~

SECTION 6. SECTION 85-2-516, MCA, IS AMENDED TO READ:

"85-2-516. Well logs. ~~(1) Within 60 days after any well is completed, the driller shall file with the bureau a well log report. The bureau shall notify the board of water well contractors established in 2-15-3307 if a submitted well log report was not filed within 60 days of well completion.~~

~~(2) — Except as provided in subsection (3), the well log report must be filed on a form specified by the department in consultation with the board of water well contractors provided for in 2-15-3307 and the bureau. The driller shall provide a location for the well using at least two methods as specified on the form.~~

~~(3) — The bureau may allow submission of the well log report in an electronic format that is in accordance with the form specified as provided in subsection (2).~~

~~(4) — (a) The bureau may return the report to the driller for refiling within 30 days of submission if it is incomplete or incorrect.~~

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1 ~~(b) Within 30 days after being notified of the deficiency, the driller shall correct and return the well~~
2 ~~log to the bureau.~~

3 ~~(c) The bureau shall notify the board of water well contractors if a well log report remains~~
4 ~~incomplete or incorrect after the refilling or if the driller has not corrected and returned the report within 30 days~~
5 ~~pursuant to subsection (4)(b)."~~

6 - END -