

HOUSE BILL No. 5636

February 22, 2018, Introduced by Reps. Cole, Victory, Lucido and Howrylak and referred to the Committee on Natural Resources.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 12701, 12705, 12711, 12712, and 12713 (MCL
333.12701, 333.12705, 333.12711, 333.12712, and 333.12713), section
12713 as amended by 1980 PA 143.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 12701. (1) As used in sections 12701 to 12715:

(A) "ADVISORY BOARD" MEANS THE WELL DRILLING ADVISORY BOARD
CREATED IN SECTION 12711.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
QUALITY.

(C) ~~(a)~~ "Person" means a person as defined in section 1106 or
a governmental entity.

(D) ~~(b)~~ "Pump" means a mechanical equipment or device used to
remove water from a well.

1 **(E)** ~~(e)~~—"Pump installer" means a person who is qualified to
2 engage in the installation, removal, alteration, or repair of water
3 well pumping equipment in connection with a water well.

4 **(F)** ~~(d)~~—"Well" means an opening in the surface of the earth
5 for the purpose of removing fresh water or a test well, recharge
6 well, waste disposal well, or a well used temporarily for
7 dewatering purposes during construction.

8 **(G)** ~~(e)~~—"Well drilling contractor" means a person qualified to
9 engage in well construction, well alteration, or well repair and
10 pump installation, who supervises the construction of water wells
11 and the installation of pumps, and who owns, rents, or leases
12 equipment used in the construction of water wells.

13 (2) In addition, article 1 contains general definitions and
14 principles of construction applicable to all articles in this code.

15 Sec. 12705. (1) The department shall issue certificates of
16 registration to well drilling contractors and pump installers who
17 meet the requirements of sections 12701 to 12715.

18 (2) A certificate of registration is not transferable and
19 expires on April 30 of each year. After July 1 of each year a
20 certificate of registration may be renewed only upon application
21 for renewal and payment of a fee of 50% of the basic registration
22 fee in addition to the regular registration fee.

23 (3) A new applicant for a certificate of registration shall be
24 examined in accordance with the rules and construction code
25 promulgated under section 12714. The advisory board ~~created by~~
26 ~~section 12711~~ shall determine and advise the department as to the
27 eligibility of a well drilling contractor or pump installer for

1 registration. A well drilling contractor or pump installer ~~which~~
 2 **THAT** is a firm, partnership, or corporation shall designate at
 3 least 1 partner, officer, or responsible full-time employee to take
 4 the examination on its behalf.

5 (4) The department, upon application and payment of the
 6 prescribed fees, may issue a certificate of registration as a well
 7 drilling contractor or a pump installer to a person who holds a
 8 similar certificate of registration in another state or a foreign
 9 country, if the requirements for the registration of a well
 10 drilling contractor and pump installer under which the certificate
 11 of registration was issued do not conflict with this part, are of a
 12 standard not lower than that specified by the rules and
 13 construction code promulgated under section 12714, and if equal
 14 reciprocal privileges are granted to a registrant of this state.

15 Sec. 12711. ~~An~~ **THE WELL DRILLING** advisory board ~~of 9 members~~
 16 is created ~~in~~ **WITHIN** the department. **THE ADVISORY BOARD SHALL BE**
 17 composed of ~~the following: 5 members who are residents of this~~
 18 ~~state registered under sections 12701 to 12715, at least 4 of whom~~
 19 ~~are well drilling contractors, and who shall be appointed by the~~
 20 ~~governor with the advice and consent of the senate; an~~ **9 MEMBERS AS**
 21 **FOLLOWS:**

22 (A) ~~AN~~ employee of the ~~bureau of~~ **DEPARTMENT WITH KNOWLEDGE AND**
 23 **EXPERTISE IN** environmental and occupational health, ~~of the~~
 24 ~~department, and a representative of a local health department, each~~
 25 ~~to be appointed by the director~~ **OF THE DEPARTMENT. ;** ~~an employee~~
 26 ~~of the geological survey section of the department of natural~~
 27 ~~resources~~

1 **(B) THE STATE GEOLOGIST, OR HIS OR HER DESIGNEE,** appointed by
2 the director of the department of natural resources. ~~and an~~

3 **(C) AN** employee of the ~~water resources commission appointed by~~
4 ~~the executive secretary of the water resources commission. Of 4~~
5 **DEPARTMENT WITH KNOWLEDGE AND EXPERTISE IN WATER RESOURCES,**
6 **APPOINTED BY THE DIRECTOR OF THE DEPARTMENT.**

7 **(D) A REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT, APPOINTED**
8 **BY THE DIRECTOR.**

9 **(E) FIVE RESIDENTS OF THIS STATE, APPOINTED BY THE GOVERNOR**
10 **WITH THE ADVICE AND CONSENT OF THE SENATE, WHO ARE REGISTERED UNDER**
11 **SECTION 12705. FOUR OF THE INDIVIDUALS APPOINTED UNDER THIS**
12 **SUBDIVISION SHALL BE** well drilling contractors, 1 **OF WHOM** shall be
13 from each of **THE FOLLOWING** 4 geographic regions:

14 **(i) ~~(a)~~**Region 1: The Upper Peninsula.

15 **(ii) ~~(b)~~**Region 2: That part of the Lower Peninsula bordered
16 on the south by Oceana, Newaygo, Mecosta, Isabella, Midland, and
17 Bay ~~counties~~**COUNTIES** and the area north of those counties.

18 **(iii) ~~(c)~~**Region 3: The area bordered on the north and west by
19 Huron, Tuscola, Saginaw, Shiawassee, Livingston, Washtenaw, and
20 Lenawee ~~counties~~**COUNTIES** and the area south and east of those
21 counties.

22 **(iv) ~~(d)~~**Region 4: The area bordered on the east and north by
23 Hillsdale, Jackson, Ingham, Clinton, Gratiot, Montcalm, Kent, and
24 Muskegon ~~counties~~**COUNTIES** and the area south and west of those
25 counties.

26 Sec. 12712. Each member of the advisory board shall be
27 appointed for a 3-year term. The ~~terms~~**TERM OF OFFICE** of the 5

1 members ~~registered under sections 12701 to 12715~~ **APPOINTED UNDER**
 2 **SECTION 12711(E)** shall alternate so that not more than 2 are
 3 appointed each year, except that of the first appointees, 1 shall
 4 be appointed for 1 year and 2 ~~each~~ shall be appointed for 2 **YEARS**
 5 and 2 **SHALL BE APPOINTED FOR** 3 years. The ~~terms~~ **TERM OF OFFICE** of
 6 the members ~~representing the department of natural resources, the~~
 7 ~~water resources commission, and the local health department~~
 8 **APPOINTED UNDER SECTION 12711(B) TO (D)** shall alternate so that
 9 only 1 is appointed each year, except that of the first appointees
 10 1 member shall be appointed for 1 year, 1 **SHALL BE APPOINTED** for 2
 11 years, and 1 **SHALL BE APPOINTED** for 3 years. Vacancies shall be
 12 filled by appointment for the balance of the unexpired terms ~~by the~~
 13 ~~respective officials designated in section 12711.~~ **IN THAT SAME**
 14 **MANNER AS THE ORIGINAL APPOINTMENT.**

15 Sec. 12713. (1) The members of the advisory board, as soon as
 16 appointed, shall organize and elect **A CHAIRPERSON** from ~~their number~~
 17 ~~a chairperson.~~ **AMONG ITS MEMBERS.** Thereafter, annually when new
 18 members are appointed to the **ADVISORY** board, a chairperson shall be
 19 elected at the next board meeting. The member from the department
 20 **APPOINTED UNDER SECTION 12711(A)** shall ~~be~~ **SERVE AS** the secretary of
 21 the **ADVISORY** board.

22 (2) The **ADVISORY** board shall hold not less than 1 meeting each
 23 year for the purpose of examining candidates for registration.
 24 Additional meetings may be called by the chairperson or director as
 25 may be reasonably necessary to carry out sections 12701 to 12715.
 26 Five members ~~shall~~ constitute a quorum. The business which the
 27 advisory board may perform shall be conducted at a public meeting

1 of the advisory board held in compliance with ~~Act No. 267 of the~~
2 ~~Public Acts of 1976, as amended, being sections 15.261 to 15.275 of~~
3 ~~the Michigan Compiled Laws.~~ **THE OPEN MEETINGS ACT, 1976 PA 267, MCL**
4 **15.261 TO 15.275.** Public notice of the time, date, and place of the
5 meeting shall be given in the manner required by ~~Act No. 267 of the~~
6 ~~Public Acts of 1976, as amended.~~ **THAT ACT.**

7 (3) The per diem compensation of the members of the advisory
8 board ~~registered under sections 12701 to 12715~~ **APPOINTED UNDER**
9 **SECTION 12711 (E)** shall be established annually by the legislature.
10 Expenses shall be reimbursed pursuant to section 1216.

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.