

MINUTES

STATE BOARD OF EXAMINING WATER WELL DRILLING CONTRACTORS AND WATER WELL PUMP INSTALLATION CONTRACTORS

September 7, 2022

11:00 A.M.

PARTICIPATING BOARD MEMBERS:

Jerry Hunt, Chairman

Wes Moody, Vice-Chairman (by phone)

John Midkiff

Michelle Christopher

Aaron Wilson

Lily Barkau

Lisa Lindemann

MEMBERS OF THE PUBLIC

Cody Smith-Wyoming Groundwater Association

Jane Allred- State of Wyoming Department of Fire Prevention and Electrical Safety

Bridgett Carson-State of Wyoming Department of Fire Prevention and Electrical Safety

Rick Michon- State of Wyoming Department of Fire Prevention and Electrical Safety

Dave Harly- State of Wyoming Department of Fire Prevention and Electrical Safety

PARTICIPATING PROFESSIONAL STAFF:

Abigail Boudewyns, Assistant Attorney General

Kristin Baker, Chief Fiscal Officer State Engineer's Office

Jimmy Gordon, Executive Director, WWCB

CALL TO ORDER:

Chairman Hunt called the State Board of Examining Water Well Drilling Contractors and Water Well Pump Installation Contractors (WWCB) meeting to order at 11:07 a.m.

REVIEW & APPROVE AGENDA

The Board reviewed and approved the meeting agenda as circulated. John Midkiff made a motion to approve the agenda. Michelle Christopher seconded the motion. Motion carried.

OLD BUSINESS:

Rule Changes-

Executive Director Gordon updated the Board on the two rules that are currently in the State Rulemaking Process. The changes affect Chapter 2, removing the annual Board meeting at a certain place and time. Also, Chapter 5, removing the requirement for licensed contractors to submit a notice of intent at least five days prior to constructing a new water well or installing pumping equipment in a newly constructed water well. The changes were put out for public comment for a period of 60 days, no public comments were received. He informed the Board that the next step is for the Board to officially adopt the Rule Changes. The Board discussed the two rule changes, and had no changes or edits as written. John Midkiff made a motion to adopt the two rule changes as written. Michelle Christopher seconded the motion. Motion carried.

Continuing Education Courses-

Aaron Wilson presented his interpretation on Chapter 42, Section 33-107 which states “a) the Board shall: (vi) Establish continuing education for persons licensed to maintain knowledge of current industry standards. However, the board shall not impose continuing education requirements for any person which exceed eighteen (18) hours in any three (3) year period.” In his opinion that means that the Licensing Board is required to provide continuing education courses to licensed contractors, and also that any license holder working more than 18 hours in a three-year period is exempt from the requirement of continuing education credits.

Abigail was asked her interpretation of the statute as written, and she acknowledged that there is some room for interpretation. However, she cited an example of statutes from other licensing boards that do specifically require the Board to provide continuing education courses, and this Board's statute was not written in that fashion. She further explained that the term “Establish” was the key term in the statute. It was included to allow the Board to create a continuing education program that best suited this particular Board, one that has been in practice since the Board was established. She again suggested that some research be done on other statutes from State Licensing Board's pertaining to continuing education programs and compare to this Board's. She made it clear in her opinion the manner in which the statute is written does give “leeway” for the Board to create continuing education courses as Aaron Wilson is interpreting, or to continue with how it has operated.

Aaron Wilson suggested that the Board edit the Statute to remove any vagueness and clarify the Board's intent towards it's continuing education program for license holders. Chairman Hunt suggested that the Board and staff research the statutes and also all Rules that apply to continuing education, and add its discussion to the next meeting agenda for further discussion. Wes Moody requested that Director Gordon distribute new copies of statutes and Rules and Regulations to all Board members to be sure everyone had the latest versions. Abigail explained that if the Board does wish to edit it's statutes, it would have to find a Legislature member to sponsor the changes. The Board itself cannot make statute changes under it's own authority. Director Gordon will provide Darren Cook with all the discussion and items that need his review, and he will offer his Professional opinion at the next meeting.

Cody Smith from the Wyoming Groundwater Association presented a letter from the Association Board detailing their opinion on the topic of the Licensing Boards continuing education program. They would like to see the number of hours required remain at 18 hours or possibly increase. Furthermore, they would like to see a regulation that would require 6 hours be specific to subjects on the State of Wyoming (rules, laws, geology, etc).

NEW BUSINESS:

Wyoming Department of Fire Prevention and Electrical Safety-

Jane Allred, Chief Inspector of the Wyoming Department of Fire Prevention and Electrical Safety addressed the Board regarding the crossover licensing that occurs with pump installation contractors. Rick Michon, an Inspector, spoke about what he sees in the field. He explained that any contractor making electrical terminations on a pump are required to hold a Limited Electrical Contractors license. He gave examples of work he has inspected over the years performed by unlicensed contractors.

Dave Harly is the Enforcement Officer for the Wyoming Department of Fire Prevention and Electrical Safety. He explained his duties and responsibilities investigating unlicensed contractors in the field.

Wes Moody asked the Fire Prevention staff about the many contractors who went through the certification training and exams hosted at the Wyoming Groundwater Association convention several years ago. He explained that himself, and many other contractors were told that they had

passed the certification and were licensed, however no license was ever provided, and no records exist. He felt that the Fire Prevention office needed to research what the status of all those contractors who went through the program, and where the records are located.

Bridgett Carson is the Licensing Specialist for the Wyoming Department of Fire Prevention and Electrical Safety. She asked for a comprehensive list of all Water Well Contractors who would be required to hold the Limited Electrical License. Director Gordon explained that the Contractor List on the Board's website was the most up to date and comprehensive list available, and that it could be exported by anyone who visits the website. Ms. Carson explained the online licensing portal that is used, and the licensing requirements. Currently they out-source their exams through a vendor. Exams are available all over the country through this vendor.

The Fire Prevention staff was asked if they would be willing to provide a class or mass licensing event, as was done in the past, to help bring all contractors who need to get their license into compliance. They agreed to attend, but could not provide exams, that must go through their outside vendor.

Other discussion was had on combining exams between the Water Well Licensing Board and the Fire Prevention Board. Many obstacles were identified, and further discussion and collaboration is needed.

Ratification of New Licenses-

Director Gordon presented the licenses of the following contractors for ratification; Terry Cronin License Number 03WDPI, Larry Hersch License Number COWDPI128, Slade Olson License Number 04WDPI146, Billy Russel License Number 01WDPI136, Keith Crimm License Number 01WD 139. Wes Moody made a motion to ratify all licenses. John Midkiff seconded the motion. Motion carried.

State Engineer's Office Fiscal Manager Update

Kristin Baker informed the Board that the budget overall was in good standing. Both the 200 series and 900 series have funds in reserve. She asked the Board if the reports she provides included the information the Board members would like to see at each meeting. Wes Moody asked if the Board is being responsible with the balances it is carrying. Kristin explained that she looks to see if the Board's reserves could sustain its budget for a period of 2 years without any income. The Licensing Board does not currently have enough in reserves to sustain its budget for a 2-year period currently. Discussion was had on what an appropriate budget for this Board. Most opinions where to hold as much in reserves as possible due mainly to the fact that this Board does not have any guaranteed income. The topic of contested cases was also discussed, specifically could the Board's budget be sustained if several contested cases where required per year. Director Gordon will research the last contested case to verify the total cost to the Board, and report at the next meeting.

Executive Director Update

Director Gordon provided the Board with an update of his office since the April 7th meeting. 16 exams were given to 5 applicants. 5 new licenses had been issued since the last Board meeting, 4 Wyoming residents and 1 non-resident. He also asked for any objections or opinions on moving the Board office to a remote working location. The current Board office building had been sold, and given the cost and availability of office space discussion had been had with his immediate supervisor Lisa Lindemann and State Engineer Brandon Gebhart. Both of whom approved the move to a remote working position. No objections were heard.

Next Meeting

The next meeting will take place in Casper WY to coincide with the Wyoming Groundwater Association Convention. An exact date and meeting location will be announced at a later date.

ADJOURNMENT:

Chairman Hunt adjourned the meeting at 2:14 p.m.