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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 3735

03/14/2018 Authored by Franson
The bill was read for the first time and referred to the Committee on Health and Human Services Reform
03/21/2018 Adoption of Report: Re-referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to health; modifying requirements for licensure or registration for certain
1.3 activities related to wells and borings; directing the commissioner of health to
1.4 amend certain rules; amending Minnesota Statutes 2017 Supplement, section
1.5 103I.205, subdivision 4.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2017 Supplement, section 103I.205, subdivision 4, is
1.8 amended to read:

1.9 Subd. 4. **License required.** (a) Except as provided in paragraph (b), (c), (d), or (e),
1.10 section 103I.401, subdivision 2, or 103I.601, subdivision 2, a person may not drill, construct,
1.11 repair, or seal a well or boring unless the person has a well contractor's license in possession.

1.12 (b) A person may construct, repair, and seal an environmental well if the person:

1.13 (1) is a professional engineer licensed under sections 326.02 to 326.15 in the branches
1.14 of civil or geological engineering;

1.15 (2) is a hydrologist or hydrogeologist certified by the American Institute of Hydrology;

1.16 (3) is a professional geoscientist licensed under sections 326.02 to 326.15;

1.17 (4) is a geologist certified by the American Institute of Professional Geologists; or

1.18 (5) meets the qualifications established by the commissioner in rule.

1.19 A person must be licensed by the commissioner as an environmental well contractor on
1.20 forms provided by the commissioner.

1.21 (c) A person may do the following work with a limited well/boring contractor's license
1.22 in possession. A separate license is required for each of the four activities:

2.1 (1) installing, repairing, and modifying well screens, pitless units and pitless adaptors,
 2.2 well pumps and pumping equipment, and well casings from the pitless adaptor or pitless
 2.3 unit to the upper termination of the well casing;

2.4 (2) sealing wells and borings;

2.5 (3) constructing, repairing, and sealing dewatering wells; or

2.6 (4) constructing, repairing, and sealing bored geothermal heat exchangers.

2.7 (d) A person may construct, repair, and seal an elevator boring with an elevator boring
 2.8 contractor's license.

2.9 (e) Notwithstanding other provisions of this chapter requiring a license, a license is not
 2.10 required for a person who complies with the other provisions of this chapter if the person
 2.11 is:

2.12 (1) an individual who constructs a water-supply well on land that is owned or leased by
 2.13 the individual and is used by the individual for farming or agricultural purposes or as the
 2.14 individual's place of abode; or

2.15 (2) an individual who performs labor or services for a contractor licensed under the
 2.16 provisions of this chapter in connection with the construction, sealing, or repair of a well
 2.17 or boring at the direction and under the personal supervision of a contractor licensed under
 2.18 the provisions of this chapter; ~~or.~~

2.19 ~~(3) a licensed plumber who is repairing submersible pumps or water pipes associated~~
 2.20 ~~with well water systems if: (i) the repair location is within an area where there is no licensed~~
 2.21 ~~well contractor within 50 miles, and (ii) the licensed plumber complies with all relevant~~
 2.22 ~~sections of the plumbing code.~~

2.23 **Sec. 2. RULEMAKING; WELL AND BORING RECORDS.**

2.24 (a) The commissioner of health shall amend Minnesota Rules, part 4725.1851, subpart
 2.25 1, to require the licensee, registrant, or property owner or lessee to submit the record of well
 2.26 or boring construction or sealing within 90 days after completion of the work, rather than
 2.27 within 30 days after completion of the work.

2.28 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
 2.29 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
 2.30 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,
 2.31 section 14.388.

2.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.