

redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if such determination was made as a result of a nondisclosure or misrepresentation of a material fact.

(3) However, the commissioner may in his discretion refer any disputed claims directly to the appeal tribunal for hearing and determination in accordance with the procedure outlined in subdivision 3 of this section and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to such tribunal from an initial determination.

(4) If within the benefit year an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. Unless the claimant or such other interested party or parties or benefit year employer shall within seven calendar days after the delivery of such notice, or within seven days after such notice was mailed to his last known address, files an appeal from such determination, such determination shall be final and benefits shall be paid or denied in accordance therewith.

(5) If an appeal tribunal decision affirms an initial determination awarding benefits or the commissioner affirms an appeal tribunal decision awarding benefits, such decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in determining any individual employer's future contribution rate under section 268.06.

Approved August 3, 1971.

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**EXTRA SESSION  
CHAPTER 29—S.F.No.74**

[Coded]

*An act requiring the licensing of water well contractors; providing penalties.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [156A.01] **WATER WELL CONTRACTORS; LICENSING; LEGISLATIVE INTENT.** It is the legislative intent and **Changes or additions indicated by underline, deletions by strikeout.**

purpose in this act to reduce and minimize the waste of ground water resources within this state by reasonable legislation in licensing of drillers or makers of water wells in Minnesota and to protect the health and general welfare by providing a means for the development and protection of the natural resource of underground water in an orderly, sanitary and reasonable manner.

Sec. 2. [156A.02] DEFINITIONS; EXCLUSIONS. Subdivision 1. For the purposes of this act, "water well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the same is for the location, diversion, artificial recharge, or acquisition of ground water; provided, however, that the term does not include excavation by backhoe, or otherwise, for recovery and use of surface waters where the depth thereof is 25 feet or less; nor shall it include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying or for the inserting media to repressure oil or natural gas bearing formations or for storing petroleum, natural gas or other products.

Subd. 2. For the purposes of this act, "water well contractor" and "contractor" means any person, firm, copartnership, association or corporation, who shall construct a water well upon land other than his own for compensation.

Subd. 3. This act shall not apply to (1) an individual who drills a water well on land which is owned or leased by him and is used by him for farming or agricultural purposes or as his place of abode, or (2) to an individual who performs labor or services for a water well contractor in connection with the drilling of a water well at the direction and at the personal supervision of a licensed water well contractor.

Sec. 3. [156A.03] REGULATION AND LICENSING. Subdivision 1. The state board of health shall regulate and license the drilling and constructing of all water wells within this state, examine and license water well contractors and, after consultation with the commissioner of natural resources and the pollution control agency establish standards for the design, location and construction of water wells within this state.

Subd. 2. No contractor shall drill or construct a water well within this state unless in possession of a valid license to do so issued by the state board of health. The cost of such license shall be \$50, the proceeds thereof to be paid to the general fund.

Sec. 4. [156A.04] SUSPENSION OR REVOCATION OF LICENSE. The state board of health may, after hearing upon reasonable notice, suspend or revoke the license of a contractor upon finding that the licensee has violated the provisions of this act or the rules and regulations adopted hereunder. Proceedings by the state board of health pursuant to this section and review thereof shall be in accordance with the administrative procedure act.

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**Sec. 5. [156A.05] POWERS AND DUTIES OF THE BOARD.**

Subdivision 1. The state board of health shall possess all powers reasonable and necessary to enable it to exercise effectively the authority granted to it by this act.

Subd. 2. The board of health shall by December 31, 1971, in the manner prescribed by Minnesota Statutes, Chapter 15, hold a public hearing and promulgate rules and regulations necessary to carry out the purposes of this act including, but not limited to:

(a) Issuance of licenses for qualified water well contractors.

(b) Establishment of conditions for examination and review of applications for license.

(c) Establishment of conditions for revocation and suspension of license.

(d) Establishment of minimum standards for design, location and construction of wells to effectuate the purpose and intent of this act.

(e) Establishment of a system for reporting on wells drilled by licensed water well contractors.

Subd. 3. The state board of health may inspect water wells drilled, or drilling, and shall have access to same at all reasonable times.

**Sec. 6. [156A.06] WATER WELL CONTRACTORS ADVISORY COUNCIL; MEMBERS; TERMS; EMPLOYEES.**

Subdivision 1. There is hereby created the water well contractors advisory council, herein referred to as the "advisory council," as an advisory council to the state board of health. The advisory council shall be composed of seven voting members. Of the seven voting members, one member shall be from the state department of health, appointed by the secretary and executive officer of the state board of health; one member shall be from the department of natural resources, appointed by the commissioner of natural resources; one member shall be a member of the Minnesota geological survey of the University of Minnesota appointed by the director; and five members shall be contractors actively engaged in the water well drilling industry, two from the seven county metropolitan area and three from the remainder of the state. They shall be residents of the state of Minnesota and appointed by the governor. Members of the advisory council appointed by the governor shall serve for a period of four years or until replaced by a new appointment with terms staggered so that the term of one member shall expire each year. No appointee shall serve consecutive terms. In the case of a vacancy in the office of a member of the advisory council, an appointment shall be made to fill the same in the manner as the original appointment for the unexpired balance of the term. The appointees to the advisory council from the water well drilling industry shall have been bona fide residents of this state for a period of at least three years prior to

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appointment and shall have had at least five years experience in the water well drilling business. Members of the council shall serve without compensation, but shall be reimbursed for travel and other necessary expenses as provided for state employees.

**Sec. 7. [156A.07] WATER WELL CONTRACTORS' LICENSES.** Subdivision 1. Any person desiring to engage in the drilling, making or construction of one or more wells for underground water in this state shall first file an application with the board for a contractor's license, setting out his qualifications therefor, the equipment proposed to be used in such contracting, and such other information as may be required by the board, all upon forms prescribed by the board. The board shall charge a fee of \$50 for the filing of such application by any person, and it shall not act upon any application until the fee has been paid.

Subd. 2. All fees collected shall be deposited with the state treasurer.

Subd. 3. Applicants for licenses hereunder who have engaged in the business of water well drilling in the state of Minnesota for a period of more than three years prior to the effective date of this act, may, at any time within one year after the effective date of this act make application for license hereunder and upon payment of the fee of \$50, as herein provided, and the board shall issue a license to any such applicant without examination providing he shall submit evidence, under oath, satisfactory to the board that he is of good character, that he was engaged in the occupation as a water well contractor at the time this act became effective, and that his work as such is satisfactory to the board. All other applicants shall be subject to examination as hereinafter provided.

Subd. 4. In accordance with the provisions of Minnesota Statutes, Section 105.51, Subdivision 2, all persons licensed under the provisions of this act shall, within 30 days after completion of any well, submit a verified report to the commissioner of natural resources containing the following information: (a) the name and address of the owner of such well and the actual location of such well; (b) a well log of the materials and water encountered in connection with drilling such well, together with all pumping tests relating thereto; (c) such other information as the commissioner may require concerning the drilling of such well. The license of any person licensed under this act may be suspended or revoked, as provided in section 3, for violation of any of the provisions of this subdivision.

**Sec. 8. [156A.08] PENALTIES.** Any person who shall willfully violate any lawful regulation, rule or order of the board, or who shall engage in the business of drilling or making water wells without first having obtained a license as in this act required, or who shall violate any provision of this act, shall be guilty of a misdemeanor. Any violation of this act shall be prosecuted by the county attorney in the

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county in which the said violation occurred or is occurring, and the trial thereof shall be held in that county.

Sec. 9. This act shall be effective on and after its enactment, but no contractor shall be required to obtain a license hereunder prior to January 1, 1972.

Approved August 5, 1971.

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**EXTRA SESSION  
CHAPTER 30—S.F.No.79**

*An act relating to the municipal court of the city of Saint Paul; providing for one additional judge; and providing for certain trials by a judge without a jury; amending Minnesota Statutes 1969, Section 488A.19, Subdivision 1, and Section 488A.27, Subdivision 6.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 488A.19, Subdivision 1, is amended to read:

**488A.19 ST. PAUL MUNICIPAL COURT; JUDGES; JURY TRIALS.** Subdivision 1. **NUMBER OF JUDGES.** There are ~~five~~ six judges of the municipal court of the city of Saint Paul.

Sec. 2. Minnesota Statutes 1969, Section 488A.27, Subdivision 6, is amended to read:

Subd. 6. **TRIALS BY JUDGE WITHOUT JURY.** A charge of violation of any ordinance, charter provision, rule or regulation, other than a violation dealing with driving while under the influence of an alcoholic beverage or narcotic drug, speeding that is a third or further offense occurring in one year, or careless or reckless driving where a personal injury is involved, shall be heard, tried and determined by a judge without a jury and the defendant shall have no right to a jury trial on such a charge, ~~except for those offenses where the defendant is otherwise entitled to a trial by jury as otherwise required by law.~~ In the event of such trial without jury, there shall be a right of appeal as provided in section 488.20; and provided further that where there has been a conviction in a trial without jury as provided above, the commissioner of highways shall not by reason thereof revoke or suspend the defendant's driver's license.

Approved August 5, 1971.

Changes or additions indicated by underline, deletions by ~~strikeout~~.