

CHAPTER 747—H.F.No.1837

[Coded in Part]

An act relating to water well contractors; requiring compliance with Minnesota Statutes, Chapter 156A, by certain nonlicensees; providing for limited licenses; establishing procedures for examination and licensing of water well contractors; authorizing the department of health to coordinate a state water information system; prohibiting imposition of fees by political subdivisions; amending Minnesota Statutes 1971, Sections 156A.02, Subdivisions 2 and 3; 156A.03, Subdivision 2; 156A.06, Subdivision 1; 156A.07, Subdivisions 1 and 4; and by adding subdivisions; repealing Minnesota Statutes 1971, Sections 156A.06, Subdivision 2; and 156A.07, Subdivision 3.

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

Section 1. Minnesota Statutes 1971, Section 156A.02, Subdivision 2, is amended to read:

Subd. 2. **WATER WELL CONTRACTORS; LICENSES.** For the purposes of sections 156A.01 to 156A.08, "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. "Water well drilling machine" means any machine or device such as a cable tool, rotary, hollow rod, or auger, used for construction of a water well.

Sec. 2. Minnesota Statutes 1971, Section 156A.02, Subdivision 3, is amended to read:

Subd. 3. Sections 156A.01 to 156A.08 shall not ~~apply to require~~ licensing of (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; provided, however, that such individual shall comply with all other provisions of sections 156A.01 to 156A.08 and with any rule, regulation or construction code adopted thereunder.

Sec. 3. Minnesota Statutes 1971, Section 156A.03, Subdivision 2, is amended to read:

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 annually by the state board of health. ~~The cost of such license shall be \$50, the proceeds thereof to be paid to the general fund.~~ An applicant who is otherwise qualified but who does not

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have practical field experience in the operation of conventional drilling machines such as a cable tool, rotary, hollow rod, or auger, but who does install unconventional wells such as drive point, or who is in the well repair service which involves modification to the well casing, screen, depth, or diameter below the upper termination of the well casing, shall have his license limited to such water well contracting work.

Sec. 4. Minnesota Statutes 1971, Section 156A.06, Subdivision 1, is amended to read:

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~~ nine voting members. Of the ~~seven~~ nine 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~~ six members shall be contractors actively engaged in the water well drilling industry, not to exceed two from the seven county metropolitan area and three at least four from the remainder of the state who shall be representative of different geographical regions. 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 of the water well drilling industry 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 appointment and shall have had at least five years experience in the water well drilling business. ~~Members~~ The contractor members of the council shall serve without compensation, but shall be reimbursed for travel and other necessary expenses as provided for state employees.

Sec. 5. Minnesota Statutes 1971, Section 156A.07, Subdivision 1, is amended to read:

156A.07 WATER WELL CONTRACTORS' LICENSES. Subdivision 1. Any person desiring not already licensed under sections 156A.01 to 156A.08 who desires to engage in the drilling, making or

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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. When the board has approved the application, the applicant shall take an examination given by the board.

Sec. 6. Minnesota Statutes 1971, Section 156A.07, Subdivision 4, is amended to read:

Subd. 4. ~~In accordance with the provisions of section 105.51, subdivision 2,~~ All persons licensed under the provisions of sections 156A.01 to 156A.08 shall, within 30 days after completion of any well, submit a verified report to the ~~commissioner of natural resources~~ Minnesota department of health upon forms provided by it 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~~ board of health may require concerning the drilling of such well. The board of health shall send one copy of the report to the commissioner of natural resources and one copy to the director of the Minnesota geological survey within 30 days of receipt from the water well contractor. The department of health may: (1) Establish procedures for coordinating well data collection with other state and local governmental agencies; and (2) Establish criteria and procedures for submission of well logs, formation samples or well cuttings, water samples or other special information which may be required for geologic and water resource mapping to protect, develop, and manage, for the public health and welfare and to assist in the development of a state water information system. The license of any person licensed under sections 156A.01 to 156A.08 may be suspended or revoked, as provided in section 156A.03, for violation of any of the provisions of this subdivision.

Sec. 7. Minnesota Statutes 1971, Section 156A.07, is amended by adding a subdivision to read:

Subd. 5. When an applicant has successfully passed the examination for original license, he shall submit to the board a license application and a fee of \$50, upon the receipt of which the board may issue a license.

Sec. 8. Minnesota Statutes 1971, Section 156A.07, is amended by adding a subdivision to read:

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Subd. 6. The license issued pursuant to this section is not transferable and expires on December 31 of each year. Application to renew the license shall be submitted by December 31, accompanied by a fee of \$50. A penalty fee of \$10 shall also be paid if the renewal application is submitted after December 31. If a water well contractor submits his renewal application after December 31, he shall not work as a water well contractor after December 31 until he has submitted such application, fee, and penalty fee.

Sec. 9. Minnesota Statutes 1971, Section 156A.07, is amended by adding a subdivision to read:

Subd. 7. The license issued pursuant to this section shall include the registration of one drilling machine. Each licensed water well contractor shall pay an annual fee of \$5 for the registration with the board of each additional drilling machine.

Sec. 10. Minnesota Statutes 1971, Section 156A.07, is amended by adding a subdivision to read:

Subd. 8. The board of health upon application therefor, and payment of the fees herein provided, may issue a license, without giving an examination, to any water well contractor who holds a similar license or certificate of registration in any state, territory, or possession of the United States, or any foreign country, if the requirements for licensing of water well contractors under which the applicant received a license or certificate of registration do not conflict with the provisions of sections 156A.01 to 156A.08, are of a standard not lower than that specified by the rules, regulations, and construction code adopted hereunder, and if equal reciprocal privileges are granted to licensees of this state.

Sec. 11. Minnesota Statutes 1971, Section 156A.07, is amended by adding a subdivision to read:

Subd. 9. No political subdivision shall require any water well contractor holding a water well contractors license issued pursuant to this section to pay any license or registration fee, provided, however, that any political subdivision shall be provided upon request with a list of licensed water well contractors.

Sec. 12. Minnesota Statutes 1971, Sections 156A.06, Subdivision 2; and 156A.07, Subdivision 3, are repealed.

Sec. 13. This act shall be effective on the day following its enactment.

Approved May 24, 1973.

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