

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective the day following final enactment.

Presented to the governor May 10, 1999

Signed by the governor May 13, 1999, 1:15 p.m.

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**CHAPTER 153—S.F.No. 1539**

*An act relating to the environment; regulating limited well/boring contractors and the installation of vertical heat exchangers; amending Minnesota Statutes 1998, sections 103I.005, subdivisions 12, 13, and 20; 103I.101, subdivisions 2 and 5; 103I.105; 103I.205, subdivisions 2 and 4; 103I.301, subdivisions 2 and 3; 103I.501; 103I.531; and 103I.641, subdivisions 1 and 3.*

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

Section 1. Minnesota Statutes 1998, section 103I.005, subdivision 12, is amended to read:

Subd. 12. **LIMITED WELL WELL/BORING CONTRACTOR.** “Limited well well/boring contractor” means a person with a limited well well/boring contractor’s license issued by the commissioner.

Sec. 2. Minnesota Statutes 1998, section 103I.005, subdivision 13, is amended to read:

Subd. 13. **LIMITED WELL WELL/BORING SEALING CONTRACTOR.** “Limited well well/boring sealing contractor” means a person with a limited well well/boring sealing contractor’s license issued by the commissioner.

Sec. 3. Minnesota Statutes 1998, section 103I.005, subdivision 20, is amended to read:

Subd. 20. **VERTICAL HEAT EXCHANGER.** “Vertical heat exchanger” means an earth-coupled heating or cooling device consisting of a sealed closed-loop piping system installed vertically in the ground to transfer heat to or from the surrounding earth with no discharge.

Sec. 4. Minnesota Statutes 1998, section 103I.101, subdivision 2, is amended to read:

Subd. 2. **DUTIES.** The commissioner shall:

(1) regulate the drilling, construction, modification, repair, and sealing of wells and borings;

(2) examine and license well contractors, persons constructing, repairing, and sealing vertical heat exchangers, persons modifying or repairing well casings, well screens, or well diameters; constructing, repairing, and sealing unconventional wells such as drive point wells or dug wells; constructing, repairing, and sealing dewatering wells; sealing wells; installing well pumps or pumping equipment; and excavating or drilling holes for the installation of elevator shafts or hydraulic cylinders;

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- (3) register and examine monitoring well contractors;
- (4) license explorers engaged in exploratory boring and examine individuals who supervise or oversee exploratory boring;
- (5) after consultation with the commissioner of natural resources and the pollution control agency, establish standards for the design, location, construction, repair, and sealing of wells, elevator shafts, and borings within the state; and
- (6) issue permits for wells, groundwater thermal devices, vertical heat exchangers, and excavation for holes to install elevator shafts or hydraulic cylinders.

Sec. 5. Minnesota Statutes 1998, section 103I.101, subdivision 5, is amended to read:

Subd. 5. **COMMISSIONER TO ADOPT RULES.** The commissioner shall adopt rules including:

- (1) issuance of licenses for:
  - (i) qualified well contractors, persons modifying or repairing well casings, well screens, or well diameters;
  - (ii) persons constructing, repairing, and sealing unconventional wells such as drive points or dug wells;
  - (iii) persons constructing, repairing, and sealing dewatering wells;
  - (iv) persons sealing wells; and
  - (v) persons installing well pumps or pumping equipment and excavating holes for installing elevator shafts or hydraulic cylinders; and
  - (vi) persons constructing, repairing, and sealing vertical heat exchangers;
- (2) issuance of registration for monitoring well contractors;
- (3) establishment of conditions for examination and review of applications for license and registration;
- (4) establishment of conditions for revocation and suspension of license and registration;
- (5) establishment of minimum standards for design, location, construction, repair, and sealing of wells to implement the purpose and intent of this chapter;
- (6) establishment of a system for reporting on wells and borings drilled and sealed;
- (7) establishment of standards for the construction, maintenance, sealing, and water quality monitoring of wells in areas of known or suspected contamination;
- (8) establishment of wellhead protection measures for wells serving public water supplies;
- (9) establishment of procedures to coordinate collection of well data with other state and local governmental agencies;
- (10) establishment of criteria and procedures for submission of well logs, formation samples or well cuttings, water samples, or other special information required for and water resource mapping; and

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(11) establishment of minimum standards for design, location, construction, maintenance, repair, sealing, safety, and resource conservation related to borings, including exploratory borings as defined in section 103I.005, subdivision 9.

Until the commissioner adopts rules under this chapter to replace rules relating to wells and borings that were adopted under chapter 156A, the rules adopted under chapter 156A shall remain in effect.

Sec. 6. Minnesota Statutes 1998, section 103I.105, is amended to read:

**103I.105 ADVISORY COUNCIL ON WELLS AND BORINGS.**

(a) The advisory council on wells and borings is established as an advisory council to the commissioner. The advisory council shall consist of ~~17~~ 18 voting members. Of the ~~17~~ 18 voting members:

(1) one member must be from the department of health, appointed by the commissioner of health;

(2) one member must be from the department of natural resources, appointed by the commissioner of natural resources;

(3) one member must be a member of the Minnesota geological survey of the University of Minnesota, appointed by the director;

(4) one member must be a licensed exploratory borer;

(5) one member must be a licensed elevator shaft contractor;

(6) two members must be members of the public who are not connected with the business of exploratory boring or the well drilling industry;

(7) one member must be from the pollution control agency, appointed by the commissioner of the pollution control agency;

(8) one member must be from the department of transportation, appointed by the commissioner of transportation;

(9) one member from the board of water and soil resources appointed by its chair;

(10) one member must be a monitoring well contractor; and

(11) six members must be residents of this state appointed by the commissioner, who are actively engaged in the well drilling industry, with not more than two from the seven-county metropolitan area and at least four from other areas of the state who represent different geographical regions; and

(12) one member must be a licensed vertical heat exchanger contractor or be certified by the International Ground Source Heat Pump Association and appointed by the commissioner.

(b) An appointee of the well drilling industry may not serve more than two consecutive terms.

(c) The appointees to the advisory council from the well drilling industry must:

(1) have been residents of this state for at least three years before appointment; and

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(2) have at least five years' experience in the well drilling business.

(d) The terms of the appointed members and the compensation and removal of all members are governed by section 15.059, except section 15.059, subdivision 5, relating to expiration of the advisory council does not apply.

Sec. 7. Minnesota Statutes 1998, section 103I.205, subdivision 2, is amended to read:

Subd. 2. **EMERGENCY PERMIT AND NOTIFICATION EXEMPTIONS.** The commissioner may adopt rules that modify the procedures for filing a well notification or well permit if conditions occur that:

(1) endanger the public health and welfare or cause a need to protect the groundwater; or

(2) require the monitoring well contractor, limited well well/boring contractor, or well contractor to begin constructing a well before obtaining a permit or notification.

Sec. 8. Minnesota Statutes 1998, section 103I.205, subdivision 4, is amended to read:

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

(b) A person may construct a monitoring well if the person:

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

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

(3) is a professional engineer registered with the board of architecture, engineering, land surveying, landscape architecture, and interior design;

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

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

A person must register with the commissioner as a monitoring well contractor on forms provided by the commissioner.

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

(1) installing or repairing well screens or pitless units or pitless adaptors and well casings from the pitless adaptor or pitless unit to the upper termination of the well casing;

(2) constructing, repairing, and sealing drive point wells or dug wells;

(3) installing well pumps or pumping equipment;

(4) sealing wells; ~~or~~

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(5) constructing, repairing, or sealing dewatering wells; or

(6) constructing, repairing, or sealing vertical heat exchangers.

(d) Notwithstanding other provisions of this chapter requiring a license or registration, a license or registration is not required for a person who complies with the other provisions of this chapter if the person is:

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

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

Sec. 9. Minnesota Statutes 1998, section 103I.301, subdivision 2, is amended to read:

Subd. 2. **MONITORING WELLS.** The owner of the property where a monitoring well is located must have the monitoring well sealed when the well is no longer in use. The owner must have a well contractor, limited well/boring sealing contractor, or a monitoring well contractor seal the monitoring well.

Sec. 10. Minnesota Statutes 1998, section 103I.301, subdivision 3, is amended to read:

Subd. 3. **DEWATERING WELLS.** (a) The owner of the property where a dewatering well is located must have the dewatering well sealed when the dewatering well is no longer in use.

(b) A well contractor, limited well/boring sealing contractor, or limited dewatering well contractor shall seal the dewatering well.

Sec. 11. Minnesota Statutes 1998, section 103I.501, is amended to read:

**103I.501 LICENSING AND REGULATION OF WELLS AND BORINGS.**

(a) The commissioner shall regulate and license:

- (1) drilling, constructing, and repair of wells;
- (2) sealing of wells;
- (3) installing of well pumps and pumping equipment;
- (4) excavating, drilling, and sealing of holes for the installation of elevator shafts and hydraulic cylinders; and
- (5) construction and sealing of environmental bore holes; and
- (6) construction, repair, and sealing of vertical heat exchangers.

(b) The commissioner shall examine and license well contractors, limited well/boring contractors, and elevator shaft contractors, and examine and register monitoring well contractors.

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(c) The commissioner shall license explorers engaged in exploratory boring and shall examine persons who supervise or oversee exploratory boring.

Sec. 12. Minnesota Statutes 1998, section 103I.531, is amended to read:

**103I.531 LIMITED WELL WELL/BORING CONTRACTOR'S LICENSE.**

Subdivision 1. **APPLICATION.** (a) A person must file an application and an application fee with the commissioner to apply for a limited ~~well~~ well/boring contractor's license.

(b) The application must state the applicant's qualifications for the license, the equipment the applicant will use in the contracting, and other information required by the commissioner. The application must be on forms prescribed by the commissioner.

Subd. 2. **APPLICATION FEE.** The application fee for a limited ~~well~~ well/boring contractor's license is \$50. The commissioner may not act on an application until the application fee is paid.

Subd. 3. **EXAMINATION.** After the commissioner has approved the application, the applicant must take an examination given by the commissioner.

Subd. 4. **ISSUANCE OF LICENSE.** If an applicant meets the experience requirements established in rule, passes the examination as determined by the commissioner, submits the bond under subdivision 5, and pays the license fee under subdivision 6, the commissioner shall issue a limited ~~well~~ well/boring contractor's license. If the other conditions of this section are satisfied, the commissioner may not withhold issuance of a dewatering limited license based on the applicant's lack of prior experience under a licensed well contractor.

Subd. 5. **BOND.** (a) As a condition of being issued a limited ~~well~~ well/boring contractor's license for constructing, repairing, and sealing drive point wells or dug wells; sealing wells or borings, or constructing, repairing, and sealing dewatering wells, or constructing, repairing, and sealing vertical heat exchangers, the applicant must submit a corporate surety bond for \$10,000 approved by the commissioner. As a condition of being issued a limited ~~well~~ well/boring contractor's license for installing or repairing well screens or pitless units or pitless adaptors and well casings from the pitless adaptor or pitless unit to the upper termination of the well casing, or installing well pumps or pumping equipment, the applicant must submit a corporate surety bond for \$2,000 approved by the commissioner. The bonds required in this paragraph must be conditioned to pay the state on unlawful performance of work regulated by this chapter in this state. The bonds are in lieu of other license bonds required by a political subdivision of the state.

(b) From proceeds of a bond required in paragraph (a), the commissioner may compensate persons injured or suffering financial loss because of a failure of the applicant to properly perform work or duties.

Subd. 6. **LICENSE FEE.** The fee for a limited ~~well~~ well/boring contractor's license is \$50.

Subd. 7. **VALIDITY.** A limited ~~well~~ well/boring contractor's license is valid until the date prescribed in the license by the commissioner.

Subd. 8. **RENEWAL.** (a) A person must file an application and a renewal application fee to renew the limited ~~well~~ well/boring contractor's license by the date stated in the license.

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(b) The renewal application fee shall be set by the commissioner under section 16A.1285.

(c) The renewal application must include information that the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of the renewal, the commissioner must have on file all properly completed well sealing reports, well permits, vertical heat exchanger permits, and well notifications for work conducted by the licensee since the last license renewal.

Subd. 9. **INCOMPLETE OR LATE RENEWAL.** If a licensee fails to submit all information required for renewal in subdivision 8 or submits the application and information after the required renewal date:

(1) the licensee must include an additional late fee set by the commissioner under section 16A.1285; and

(2) the licensee may not conduct activities authorized by the limited well well/boring contractor's license until the renewal application, renewal application fee, and late fee, and all other information required in subdivision 8 are submitted.

Sec. 13. Minnesota Statutes 1998, section 103I.641, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENTS.** A person may not drill or construct an excavation used to install a vertical heat exchanger unless the person is a limited well/boring contractor licensed for constructing, repairing, and sealing vertical heat exchangers or a well contractor.

Sec. 14. Minnesota Statutes 1998, section 103I.641, subdivision 3, is amended to read:

Subd. 3. **PERMIT REQUIRED.** (a) A vertical heat exchanger may not be installed without first obtaining a permit for the vertical heat exchanger from the commissioner. A limited well/boring contractor licensed for constructing, repairing, and sealing vertical heat exchangers or a well contractor must apply for the permit on forms provided by the commissioner and must pay the permit fee.

(b) As a condition of the permit, the owner of the property where the vertical heat exchanger is to be installed must agree to allow inspection by the commissioner during regular working hours of department of health inspectors.

Sec. 15. **EFFECTIVE DATE.**

Sections 13 and 14 are effective August 1, 2000.

Presented to the governor May 10, 1999

Signed by the governor May 13, 1999, 1:17 p.m.

## CHAPTER 154—S.F.No. 1645

*An act relating to transportation; abolishing Babcock test requirements for drivers to determine fat content of milk or cream; exempting vehicles carrying milk from seasonal weight restric-*

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