

CHAPTER 156A

WATER WELL CONTRACTORS

<p>Sec. 156A.01 Legislative intent 156A.02 Definitions; exclusions 156A.03 Regulation and licensing 156A.04 Suspension or revocation of license 156A.05 Powers and duties of the board</p>	<p>Sec. 156A.06 Water well contractors advisory council; members; terms; employees 156A.07 Water well contractors' licenses 156A.08 Penalties</p>
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156A.01 LEGISLATIVE INTENT. It is the legislative intent and purpose in sections 156A.01 to 156A.08 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.

[*Ex1971 c 29 s 1*]

156A.02 DEFINITIONS; EXCLUSIONS. Subdivision 1. For the purposes of sections 156A.01 to 156A.08, "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 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.

Subd. 3. Sections 156A.01 to 156A.08 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.

[*Ex1971 c 29 s 2*]

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.

[*Ex1971 c 29 s 3*]

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 sections 156A.01 to 156A.08 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.

[*Ex1971 c 29 s 4*]

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 sections 156A.01 to 156A.08.

Subd. 2. The board of health shall by December 31, 1971, in the manner prescribed by chapter 15, hold a public hearing and promulgate rules and regulations

necessary to carry out the purposes of sections 156A.01 to 156A.08 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 sections 156A.01 to 156A.08.
- (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.

[*Ex1971 c 29 s 5*]

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 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.

Subd. 2. Notwithstanding the provisions of subdivision 1, the advisory council established by sections 156A.01 to 156A.08 shall be composed of eight voting members.

[*Ex1971 c 29 s 6; Ex1971 c 48 s 18*]

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 August 6, 1971, may, at any time within one year after August 6, 1971 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 on August 6, 1971, 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 section 105.51, subdivision 2, all persons licensed under the provisions of sections 156A.01 to 156A.08 shall, within

MINNESOTA STATUTES 1971

1881

WATER WELL CONTRACTORS 156A.08

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 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.

[*Ex1971 c 29 s 7*]

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 sections 156A.01 to 156A.08 required, or who shall violate any provision of sections 156A.01 to 156A.08, shall be guilty of a misdemeanor. Any violation of sections 156A.01 to 156A.08 shall be prosecuted by the county attorney in the county in which the said violation occurred or is occurring, and the trial thereof shall be held in that county.

[*Ex1971 c 29 s 8*]

NOTE: Extra Session Laws 1971, Chapter 29, Section 9, reads as follows:

"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."