

CHAPTER 156A

WATER WELL CONTRACTORS

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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. "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.

Subd. 3. Sections 156A.01 to 156A.08 shall not 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.

[*Ex1971 c 29 s 2; 1973 c 747 s 1, 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 annually by the state board of health. An applicant who is otherwise qualified but who does not 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 of 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.

[*Ex1971 c 29 s 3; 1973 c 747 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 nine voting members. Of the 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 six members shall be contractors actively engaged in the water well drilling industry, not to exceed two from the seven county metropolitan area and 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. 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.

Subd. 2. [Repealed, 1973 c 747 s 12]

[*Ex1971 c 29 s 6; Ex1971 c 48 s 18; 1973 c 747 s 4*]

156A.07 WATER WELL CONTRACTORS' LICENSES. Subdivision 1. Any person not already licensed under sections 156A.01 to 156A.08 who desires 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 in an amount prescribed by it pursuant to section 144.122 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.

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

Subd. 3. [Repealed, 1973 c 747 s 12]

Subd. 4. 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 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 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.

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.

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.

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.

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.

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.

[*Ex1971 c 29 s 7; 1973 c 747 s 5-11; 1974 c 471 s 13*]

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*]