

(b) An order of attachment which serves only to secure property and not to acquire jurisdiction over the defendant may be issued in the following situations:

(1) When a person, resident or nonresident, a corporation, domestic or foreign, owns or has any interest in any kind of property, tangible or intangible, which is present within the state and may be applied to the satisfaction of a valid in personam judgment against the defendant; or

(2) When a valid in personam action has been instituted and a person, resident or nonresident, or corporation, domestic or foreign, owns or has an interest in any kind of property, tangible or intangible, which is present within the state and may be applied to the satisfaction of a valid in personam judgment, when rendered, against the defendant, if:

(i) That person or corporation has removed or is about to remove property from this state; or

(ii) That person or corporation has assigned, disposed of, or secreted or is about to assign, dispose of, or secrete, property.

Approved May 28, 1981

CHAPTER 278 — H.F.No. 1051

An act relating to health; changing the claim limitations on cost of removing nuisances; authorizing the commissioner of health to issue orders concerning well water quality; requiring a report to the legislature on groundwater thermal exchange; clarifying the commissioner's authority over water wells and exploratory boring to include repairs and abandonment; changing the penalties for violations; imposing a moratorium on certain uranium drilling; amending Minnesota Statutes 1980, Sections 145.22; 156A.02, Subdivisions 1, 2, and 3; 156A.03, Subdivisions 1 and 2; 156A.05; 156A.07, Subdivisions 1 and 4; 156A.071, Subdivision 7; and 156A.08; proposing new law coded in Minnesota Statutes, Chapter 156A.

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

Section 1. Minnesota Statutes 1980, Section 145.22, is amended to read:

145.22 HEALTH OFFICER; DUTIES RELATIVE TO FILTH AND CAUSES OF SICKNESS.

When any nuisance, source of filth, or cause of sickness is found on any property, the health officer of the city or town shall order the owner or occupant thereof to remove the same, at his the owner's expense, within a time

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not to exceed ten days, the exact time to be specified in the notice. This notice shall be served by the sheriff, marshal, or other peace officer by delivering a copy thereof to the owner, occupant, or agent of the property. If the owner of the property is unknown or absent, with no known representative or agent upon whom notice can be served, then the sheriff, marshal, or other peace officer shall post a written or printed notice upon the property or premises, setting forth that unless the nuisance, source of filth, or cause of sickness is abated or removed within ten days, the sheriff, marshal, or other peace officer will abate or remove, or cause to be abated or removed, at the expense of the owner, the nuisance, source of filth, or cause of sickness complained of and found to exist. In carrying out the provisions of sections 145.22 and 145.23, no debt or claim against any individual owner, or any one piece of real property, shall exceed the ~~sum of \$100~~ cost of abatement or removal. In all cities of the first class in this state, the collection and disposal of night soil from privy vaults and contents of cesspools shall be under the charge and supervision of, and shall be done by, the department of health of ~~such~~ these cities.

Sec. 2. Minnesota Statutes 1980, Section 156A.02, Subdivision 1, is amended to read:

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 for temporary dewatering of ground water for nonpotable use during construction, where the depth thereof is 25 feet or less; nor shall it include an excavation other than exploratory boring 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.~~

Sec. 3. Minnesota Statutes 1980, Section 156A.02, Subdivision 2, is amended to read:

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, abandon, or repair 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, abandonment, or repair of a water well.

Sec. 4. Minnesota Statutes 1980, Section 156A.02, Subdivision 3, is amended to read:

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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, abandonment, or repair of a water well at the direction and at the personal supervision of a licensed water well contractor; provided, however, that ~~such~~ the individual shall comply with all other provisions of sections 156A.01 to 156A.08 and with any rule, regulation or ~~construction well~~ code adopted thereunder.

Sec. 5. Minnesota Statutes 1980, Section 156A.03, Subdivision 1, is amended to read:

Subdivision 1. The state commissioner 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, abandonment, and repair of water wells within this state. As provided in section 156A.071, the commissioner shall license explorers engaged in exploratory boring and shall examine individuals who supervise or oversee exploratory boring.

Sec. 6. Minnesota Statutes 1980, Section 156A.03, Subdivision 2, is amended to read:

Subd. 2. No contractor shall drill ~~or~~, construct, abandon, or repair a water well within this state unless in possession of a valid license to do so issued annually by the state commissioner 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 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. 7. **GROUNDWATER THERMAL EXCHANGE; REPORT REQUIRED.**

By January 15, 1982, the commissioner shall provide a report to the legislature on groundwater thermal exchange, to include potential environmental impact, other states' experiences, and recommendations for future state actions.

Sec. 8. Minnesota Statutes 1980, Section 156A.05, is amended to read:

156A.05 POWERS AND DUTIES OF THE COMMISSIONER.

Subdivision 1. The state commissioner of health shall possess all powers reasonable and necessary to enable him to exercise effectively the authority granted to him by sections 156A.01 to 156A.08.

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Subd. 2. The commissioner 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, abandonment, and repair 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 and abandoned by licensed water well contractors.

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

Subd. 4. The commissioner may order the owner of a well to take remedial measures, including making repairs, reconstructing or abandoning the well in accordance with rules of the commissioner. The order may be issued if the commissioner determines, based upon inspection of the well and site or an analysis of water from the well, that any of the following conditions exist:

- (1) the well is contaminated,
- (2) the well has not been abandoned in accordance with the rules of the commissioner,
- (3) the well is in such a state of disrepair that its continued existence endangers the quality of the ground water,
- (4) the well is located in such a place or constructed in such a manner that its continued use or existence endangers the quality of the ground water.

The order may be enforced in an action to seek compliance brought by the commissioner in the district court of the county in which the well is located.

The owner has a cause of action for civil damages against any person whose action or inaction caused contamination of the well. The right of an owner to maintain a course of action as provided herein extends for a period of six years after the owner knows or becomes aware of the contamination of the well. The court shall award damages, reasonable attorneys' fees, and costs and disbursements.

Sec. 9. Minnesota Statutes 1980, Section 156A.07, Subdivision 1, is amended to read:

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Subdivision 1. Any person not already licensed under sections 156A.01 to 156A.08 who desires to engage in the drilling, making ~~or~~, construction, abandonment, or repair of one or more wells ~~for underground water~~ in this state shall first file an application with the commissioner for a contractor's license, setting out his qualifications therefor, the equipment proposed to be used in ~~such~~ the contracting, and ~~such~~ other information as may be required by the commissioner, all upon forms prescribed by the commissioner. The commissioner shall charge a fee in an amount prescribed by him pursuant to section 144.122 for the filing of ~~such~~ the application by any person, and he shall not act upon any application until the fee has been paid. When the commissioner has approved the application, the applicant shall take an examination given by the commissioner.

Sec. 10. Minnesota Statutes 1980, Section 156A.07, Subdivision 4, is amended to read:

Subd. 4. All persons licensed under the provisions of sections 156A.01 to 156A.08 shall, within 30 days after completion ~~or abandonment~~ 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~~ the well and the actual location of ~~such~~ the well; (b) a well log of the materials and water encountered in connection with drilling ~~such~~ the well, together with all pumping tests relating thereto; (c) ~~such~~ other information as the commissioner of health may require concerning the drilling ~~or abandonment~~ of ~~such~~ the well. The commissioner of health shall send one copy of the report to the commissioner of natural resources, the local soil and water conservation district within which the well is located, 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. 11. Minnesota Statutes 1980, Section 156A.071, Subdivision 7, is amended to read:

Subd. 7. **PERMANENT AND TEMPORARY ABANDONMENT PROCEDURES.** Permanent and temporary abandonment of exploratory borings shall be accomplished ~~in the same manner as that prescribed for the abandonment of water wells~~ pursuant to rules adopted in accordance with this chapter.

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Sec. 12. Minnesota Statutes 1980, Section 156A.08, is amended to read:

156A.08 PENALTIES.

Any person who shall willfully violate any lawful regulation, rule or order of the ~~board~~ commissioner, 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 engage in the business of exploratory boring without either being licensed in accordance with the provisions of this chapter, or being registered as a professional engineer or certified as a professional geologist, or who shall violate any provision of sections 156A.01 to 156A.08, shall be guilty of a gross 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.

Sec. 13. URANIUM DRILLING; MORATORIUM.

In the counties of St. Louis, Aitkin, Kanabec and Crow Wing, there shall be a moratorium on uranium drilling until July 1, 1982 except with the permission of the surface property owner.

Sec. 14. EFFECTIVE DATE.

This act is effective the day following its final enactment.

Approved May 28, 1981

CHAPTER 279 — H.F.No. 1052

An act relating to state lands; providing for the conveyance of certain land to the city of Fergus Falls.

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

Section 1. CONVEYANCE TO FERGUS FALLS.

The governor, upon the recommendation of the commissioner of administration, shall transfer and convey, without monetary consideration, by quitclaim deed in a form the attorney general approves, to the city of Fergus Falls, Minnesota, for the purposes of student housing, a tract of state-owned land now under the control of but no longer needed for the operation of Fergus Falls Community College. The tract shall not exceed three acres and shall be located adjacent to the peripheral boundary of the land under the custodial control of the community college board. The deed shall provide that the tract

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