

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3750

03/31/2016 Authored by Anzelc, Hackbarth, Metsa, Lueck and Ecklund
The bill was read for the first time and referred to the Committee on Mining and Outdoor Recreation Policy

1.1 A bill for an act
1.2 relating to natural resources; regulating permits to mine; modifying appeal
1.3 provisions; amending Minnesota Statutes 2014, sections 93.481, subdivision
1.4 2; 93.50.

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

1.6 Section 1. Minnesota Statutes 2014, section 93.481, subdivision 2, is amended to read:

1.7 Subd. 2. **Commissioner's review; hearing; burden of proof.** ~~Within 120 days~~
1.8 ~~after receiving the application, or after receiving additional information requested, or after~~
1.9 ~~holding a hearing as provided in this section, the commissioner shall grant the permit~~
1.10 ~~applied for, with or without modifications or conditions, or deny the application. (a) It is~~
1.11 the goal of the state that the permit to mine be either issued with or without modifications
1.12 or conditions, or denied, within the time period specified in section 84.027, subdivision
1.13 14a, for Tier 2 permits.

1.14 ~~If (b)~~ Written objections to the proposed application are may be filed with the
1.15 commissioner within 30 days after the last publication required pursuant to this section
1.16 or within seven days after publication in the case of an application to conduct lean ore
1.17 stockpile removal, by:

1.18 (1) any person owning real property which will be affected by adjacent to the
1.19 proposed operation; or

1.20 by (2) any federal, state, or local governmental agency having responsibilities
1.21 affected by regulatory approval authority for the proposed operations, a public hearing
1.22 shall be held by the commissioner.

1.23 (c) If an objection is filed by a person meeting the criteria in paragraph (b), clause
1.24 (1) or (2), the commissioner shall determine:

2.1 (1) whether the objection raises a material issue of fact, relating to (i) the effect of
 2.2 the proposed operation on the property of the objecting adjacent property owner; or (ii)
 2.3 matters falling within the regulatory approval authority of the objecting federal, state, or
 2.4 local governmental agency;

2.5 (2) whether the commissioner has jurisdiction under sections 93.44 to 93.51 to
 2.6 resolve the issue; and

2.7 (3) whether there is a reasonable basis underlying the issue of fact such that holding
 2.8 a public hearing would allow the presentation of new relevant information that would
 2.9 aid the commissioner in resolving the issues and making a final determination on the
 2.10 issuance of the permit to mine.

2.11 (d) If the commissioner determines that a public hearing is warranted, the hearing
 2.12 must be held in the locality of the proposed operations within 30 60 days of receipt of
 2.13 such written objections and after appropriate notice and publication of the date, time,
 2.14 and location of the hearing. The commissioner must provide electronic notice of the
 2.15 public hearing. The hearing is not a contested case hearing conducted for purposes of
 2.16 sections 14.57 to 14.62 and must be conducted by the commissioner or the commissioner's
 2.17 designated representative. The information provided at the hearing must be used by the
 2.18 commissioner in making a final decision on whether to issue a permit to mine.

2.19 (e) The commissioner shall determine that the reclamation or restoration planned
 2.20 for the operation complies with lawful requirements and can be accomplished under
 2.21 available technology and that a proposed reclamation or restoration technique is practical
 2.22 and workable under available technology.

2.23 Sec. 2. Minnesota Statutes 2014, section 93.50, is amended to read:

2.24 **93.50 APPEAL.**

2.25 Any person aggrieved by any order, ruling, or decision of the commissioner may
 2.26 appeal seek judicial review of such order, ruling, or decision in the manner provided in
 2.27 chapter 14 under sections 14.63 to 14.69.