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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3303**

03/17/2016 Authored by Metsa

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 mining; modifying safety measures at abandoned mines; amending
1.3 Minnesota Statutes 2014, sections 180.03, subdivisions 2, 3, 4; 180.10.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 180.03, subdivision 2, is amended to read:

1.6 Subd. 2. **Fences.** Except as provided in subdivision 4, every person, firm, or
1.7 corporation that is or has been engaged in the business of mining or removing iron ore,
1.8 taconite, semitaconite or other minerals except sand, crushed rock, and gravel shall erect
1.9 and maintain, as a minimum, a three strand wire fence along the outside perimeter of the
1.10 excavation, open pit, or shaft of any mine in which mining operations have ceased for a
1.11 period of six consecutive months or longer. Based upon local site conditions that may
1.12 exist at shafts, caves, or open pits, the county mine inspector may require more secure
1.13 fencing such as barbed wire or mesh fence, or may require barriers, appropriate signs, or
1.14 any combination of the above, to reduce the possibility of accidental falls. ~~The county~~
1.15 ~~mine inspector may grant exemptions under subdivision 4.~~ Where mining operations have
1.16 ceased and not resumed, the fence, barrier, signs, or combination of them ~~shall~~ required
1.17 by this section must be erected within two years from the date when the county mine
1.18 inspector directs the erection of fences, barriers, signs, or combination of them.

1.19 Sec. 2. Minnesota Statutes 2014, section 180.03, subdivision 3, is amended to read:

1.20 Subd. 3. **Abandoned mines.** Except as provided in subdivision 4, when a mine
1.21 is idle or abandoned it is the duty of the inspector of mines to notify the person, firm, or
1.22 corporation that is or has been engaged in the business of mining to erect and maintain
1.23 around all the shafts, caves, and open pits of such mines a fence, barrier, appropriate signs,

or combination of them, suitable to warn of the presence of shafts, caves, or open pits and reduce the possibility of accidentally falling into these shafts, caves, or open pits. If the mine has been idled or abandoned, or if the person, firm, or corporation that has been engaged in the business of mining no longer exists, the fee owner shall erect the fence, barrier, or signs required by this section. If the fee owner fails to act, the county in which the mining operation is located may, in addition to any other remedies available, abate the nuisance by erecting the fence, barrier, or signs and assessing the costs and related expenses pursuant to section 429.101.

Sec. 3. Minnesota Statutes 2014, section 180.03, subdivision 4, is amended to read:

Subd. 4. **Exemptions.** (a) An excavation, cave, open or water-filled pit, or shaft, or any portion thereof, is exempt from subdivisions 2 and 3:

(1) upon a resolution of the Iron Range Resources and Rehabilitation Board for property the board owns, leases, or administers, including actions for constructing, operating, or maintaining a water access site;

(2) for constructing, operating, maintaining, or administering:

(i) recreational trails funded in whole or in part by state grants-in-aid to a local unit of government;

(ii) property owned or leased by a municipality, as defined in section 466.01, subdivision 1, that is intended or permitted to be used as a park, as an open area for recreational purposes, or for providing recreational services, including creating trails or paths without artificial surfaces; and

(iii) property used for a recreational purpose or for recreational trail use, as defined in section 604A.21, subdivisions 5 and 6, provided the use is administered by a municipality, as defined in section 466.01, subdivision 1;

(3) when part of economic development undertaken according to chapter 469; or

~~Upon written application, (4) by approval of the county mine inspector may exempt from the requirements of subdivision 2, any abandoned excavation, open pit, or shaft which~~
upon written application, when the property is provided with fencing, barriers, appropriate signs, or combinations of them, in a manner that is reasonably similar to the standards in subdivision 2, or which in the inspector's judgment does not constitute a safety hazard.

(b) Where an exemption applies, appropriate signs must be posted at each location of public access to the mining area warning of possible dangers due to the presence of excavations, shafts, caves, or open or water-filled pits.

3.1 Sec. 4. Minnesota Statutes 2014, section 180.10, is amended to read:

3.2 **180.10 REMOVAL OF FENCE; GUARD.**

3.3 A worker, employee, or other person who opens, removes, or disturbs any fence,
3.4 guard, barrier, sign, or rail required by section 180.03, and fails to close or replace or
3.5 have the same closed or replaced again around or in front of any mine shaft, pit, chute,
3.6 excavation, cave, or land liable to cave, injure, or destroy, whether by accident, injury, or
3.7 damage results, either to the mine or those at work therein, or to any other person, shall be
3.8 guilty of a misdemeanor. A worker, employee, or other person who, in regard to any fence,
3.9 guard, barrier, sign, or rail, does any of the acts prohibited by section 609.52, commits theft
3.10 of the fence, guard, barrier, sign, or rail may be sentenced as provided in section 609.52.