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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 1197

02/19/2025 Authored by Feist; Fischer; Hanson, J.; Pursell; Jordan and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to mining; prohibiting environmental review and the issuance of nonferrous
1.3 sulfide ore mining permits, licenses, or leases to bad actors; proposing coding for
1.4 new law in Minnesota Statutes, chapter 93.

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

1.6 Section 1. [93.005] NONFERROUS SULFIDE ORE ENVIRONMENTAL REVIEW,
1.7 PERMITS, LICENSES, AND LEASES; BAD ACTORS.

1.8 Subdivision 1. Disclosure statement. (a) A person subject to environmental review
1.9 relating to a proposed nonferrous sulfide ore project or a person submitting an application
1.10 to obtain, renew, assign, modify, amend, or transfer a permit, license, or lease needed to
1.11 mine nonferrous sulfide ore under this chapter or other chapters administered by the
1.12 commissioner or the commissioner of the Minnesota Pollution Control Agency must submit
1.13 a disclosure statement according to paragraph (b) to the commissioner or the commissioner
1.14 of the Minnesota Pollution Control Agency, as applicable, before beginning to prepare the
1.15 environmental assessment worksheet, environmental impact statement, or environmental
1.16 review or when the application is submitted.

1.17 (b) A disclosure statement must include:

1.18 (1) in the case of an individual, the full name and business address of the individual;

1.19 (2) in the case of a business:

1.20 (i) the full name and business address of any officers, directors, partners, or key

1.21 employees of the business;

2.1 (ii) the full name and business address of all individuals or entities holding equity in or
2.2 debt liability of the business or, if the business is a publicly traded corporation, all individuals
2.3 or entities holding more than five percent of the equity in or debt liability of the business;
2.4 and

2.5 (iii) the full name and business address of any parent, subsidiary, or affiliate of the
2.6 business;

2.7 (3) the full name and business address of all officers, directors, or partners of any business
2.8 disclosed in the statement and the names and addresses of all individuals or entities holding
2.9 equity in or debt liability of any disclosed business or, if the business is a publicly traded
2.10 corporation, all individuals or entities holding more than five percent of the equity in or
2.11 debt liability of the business;

2.12 (4) a listing and explanation of any charge, indictment, conviction, or settlement for
2.13 violating a state, federal, Tribal, or foreign environmental or natural resources law or
2.14 regulation related to mining against a person identified under clauses (1) to (3) in the 15
2.15 years immediately preceding submission of the disclosure statement;

2.16 (5) a listing and explanation of any consent decree, consent agreement and final order,
2.17 stipulated penalty, administrative order on consent, or nonmonetary sanctions in connection
2.18 with a civil administrative action or civil judicial action for violating an environmental or
2.19 natural resources law or regulation against a person identified under clauses (1) to (3) in
2.20 the 15 years immediately preceding submission of the disclosure statement;

2.21 (6) a listing and explanation of any charge, indictment, conviction, or settlement for
2.22 violating a state, federal, Tribal, or foreign law against bribery or corruption, including but
2.23 not limited to the federal Foreign Corrupt Practices Act, against a person identified under
2.24 clauses (1) to (3) in the 15 years immediately preceding submission of the disclosure
2.25 statement;

2.26 (7) a listing and explanation of any civil or administrative sanctions or fines for
2.27 noncompliance with environmental laws and regulations, Occupational Safety and Health
2.28 Administration laws or regulations, or the federal Foreign Corrupt Practices Act levied
2.29 against a person identified under clauses (1) to (3) in the 15 years immediately preceding
2.30 submission of the disclosure statement, including the amount of each sanction or fine; and

2.31 (8) any other information the commissioner and the commissioner of the Minnesota
2.32 Pollution Control Agency may require that relates to the competency, reliability, or good
2.33 character of the applicant.

3.1 (c) If any information required to be included in a disclosure statement changes after an
3.2 applicant submits a disclosure statement or if the commissioner or the commissioner of the
3.3 Minnesota Pollution Control Agency requires additional information after an applicant
3.4 submits a disclosure statement, the applicant must provide the information to the
3.5 commissioner or the commissioner of the Minnesota Pollution Control Agency in writing
3.6 no later than 30 days after the change or request for additional information.

3.7 Subd. 2. **Prohibited actions.** (a) To protect the public health and safety and the
3.8 environment of the state, the commissioner and the commissioner of the Minnesota Pollution
3.9 Control Agency are prohibited from conducting environmental review relating to proposed
3.10 nonferrous sulfide ore projects and must not issue, renew, assign, approve, modify, amend,
3.11 or transfer a permit, license, or lease to mine nonferrous sulfide ore under this chapter or
3.12 other chapters administered by the commissioner or the commissioner of the Minnesota
3.13 Pollution Control Agency to an applicant that:

3.14 (1) in the last 15 years has been, or whose employees have been, charged, indicted, or
3.15 convicted of violating a state, federal, Tribal, or foreign environmental or natural resources
3.16 law or regulation;

3.17 (2) is party to or the subject of a consent decree, consent agreement and final order,
3.18 stipulated penalty, administrative order on consent, or nonmonetary sanctions entered in
3.19 the last 15 years in connection with a civil administrative action or civil judicial action for
3.20 violating an environmental or natural resources law or regulation;

3.21 (3) in the last 15 years, has been charged, indicted, or convicted of violating a state,
3.22 federal, Tribal, or foreign law against bribery or corruption, including but not limited to the
3.23 federal Foreign Corrupt Practices Act;

3.24 (4) in the last 15 years, has been caused to pay civil or administrative sanctions or fines
3.25 for noncompliance with state, federal, Tribal, or foreign environmental or natural resources
3.26 laws or regulations in excess of, collectively, \$1,000,000;

3.27 (5) in the last 15 years, has entered into a settlement resolving claims of violating a state,
3.28 federal, Tribal, or foreign environmental or natural resources law or regulation or law against
3.29 bribery or corruption, including but not limited to the federal Foreign Corrupt Practices Act;

3.30 (6) in the last 15 years, has been caused to pay civil or administrative sanctions or fines
3.31 or has otherwise been found civilly liable for willful or repeated violations of state, federal,
3.32 Tribal, or foreign laws or regulations relating to occupational safety and health;

4.1 (7) is found by the commissioner or the commissioner of the Minnesota Pollution Control
4.2 Agency to be a subsidiary or affiliate of a business described under clauses (1) to (6);

4.3 (8) is found by the commissioner or the commissioner of the Minnesota Pollution Control
4.4 Agency to have common ownership with a business described under clauses (1) to (6);

4.5 (9) is found by the commissioner or the commissioner of the Minnesota Pollution Control
4.6 Agency to hold, or previously to have held, a beneficial business interest amounting to more
4.7 than five percent of the equity in or debt liability in a business that:

4.8 (i) is required to be listed on the applicant's disclosure statement under subdivision 1;
4.9 and

4.10 (ii) is a person described under clauses (1) to (6); or

4.11 (10) is found by the commissioner or the commissioner of the Minnesota Pollution
4.12 Control Agency to employ as an officer or director a person who is described under clauses
4.13 (1) to (6).

4.14 (b) The commissioner or the commissioner of the Minnesota Pollution Control Agency
4.15 must, within six months of a person submitting a disclosure statement under subdivision 1,
4.16 determine whether the commissioner is prohibited from conducting environmental review
4.17 or from issuing, renewing, assigning, approving, modifying, amending, or transferring a
4.18 permit, license, or lease under paragraph (a).

4.19 Subd. 3. **Other law.** This section must be complied with notwithstanding any provision
4.20 of law that limits the time within which the commissioner or the commissioner of the
4.21 Minnesota Pollution Control Agency must act or that deems nonaction by a certain date as
4.22 constituting final action for purposes of commencing judicial review proceedings.

4.23 Subd. 4. **Failure to disclose.** The commissioner and the commissioner of the Minnesota
4.24 Pollution Control Agency are prohibited from conducting environmental review relating to
4.25 a proposed nonferrous sulfide ore project and must not issue, renew, assign, approve, modify,
4.26 amend, or transfer a permit, license, or lease needed to mine nonferrous sulfide ore under
4.27 this chapter or other chapters administered by the commissioner or the commissioner of the
4.28 Minnesota Pollution Control Agency subject to subdivision 2, paragraph (a), if a person
4.29 fails to disclose or falsely states any information required under subdivision 1.

4.30 **EFFECTIVE DATE.** This section is effective the day following final enactment and
4.31 applies to proposed nonferrous sulfide ore projects that have begun, but not completed,
4.32 environmental review on or before that date and to permits granted, renewed, modified, or
4.33 amended on or after that date.