

vision 1 is an amount equal to the difference between the percentage postretirement adjustment received by the person in January 1992, and the full percentage postretirement adjustment received by other Faribault fire consolidation account benefit recipients who elected coverage by the public employees police and fire fund benefit plan, applied to the December 1991 monthly benefit or pension amount of the person. The additional postretirement adjustment is payable under the same terms as the balance of the person's disability benefit or service pension and is the base for any postretirement adjustments after January 1992. The additional postretirement adjustment accrues retroactively to January 1, 1992, and back payments of unpaid adjustment amounts to January 1, 1992, must be paid as soon as practicable after the effective date of this section.

Sec. 3. LOCAL APPROVAL.

Sections 1 and 2 are effective the day after the governing body of the city of Faribault complies with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor May 7, 1993

Signed by the governor May 10, 1993, 2:57 p.m.

CHAPTER 113—S.F.No. 848

An act relating to natural resources; mineral leasing; environmental research and protection; exploratory mineral borings and data; lean ore stockpile removal; oil and gas well spacing, pooling, and unitization; amending Minnesota Statutes 1992, sections 92.50, subdivision 1; 93.001; 93.002, subdivisions 1 and 3; 93.25; 93.46, by adding a subdivision; 93.481, subdivisions 1 and 2; 103I.113; 103I.601, subdivision 1; 103I.605, subdivision 4; and 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 93.

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

ARTICLE 1

MINERAL LEASING

Section 1. Minnesota Statutes 1992, section 92.50, subdivision 1, is amended to read:

Subdivision 1. **LEASE TERMS.** (a) The commissioner of natural resources may lease land under the commissioner's jurisdiction and control:

- (1) to remove sand, gravel, clay, rock, marl, peat, and black dirt;
- (2) to store ore, waste materials from mines, or rock and tailings from ore milling plants;

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(3) for roads or railroads; or

(4) for other uses consistent with the interests of the state.

(b) The commissioner shall offer the lease at public or private sale for an amount and under terms and conditions prescribed by the commissioner. Commercial leases for more than ten years and leases for removal of peat that cover 320 or more acres must be approved by the executive council.

(c) The lease term may not exceed ten years except:

(1) leases of lands for storage sites for ore, waste materials from mines, or rock and tailings from ore milling plants, or for the removal of peat may not exceed a term of 25 years;

(2) leases for the use of peat lands for agricultural purposes may not exceed 21 years; and

(3) leases for commercial purposes, including major resort, convention center, or recreational area purposes, may not exceed a term of 40 years.

(d) Leases must be subject to sale and leasing of the land for mineral purposes and contain a provision for cancellation for just cause at any time by the commissioner upon six months' written notice. A longer notice period, not exceeding three years, may be provided in leases for storing ore, waste materials from mines or rock or tailings from ore milling plants. The commissioner may determine the terms and conditions, including the notice period, for cancellation of a lease for the removal of peat and commercial leases.

(e) Money received from leases under this section must be credited to the fund to which the land belongs.

Sec. 2. Minnesota Statutes 1992, section 93.25, is amended to read:

93.25 ORES OTHER THAN IRON; ~~PROSPECTING PERMITS, LEASES.~~

Subdivision 1. ~~PERMITS TO PROSPECT LEASES.~~ The commissioner may ~~with the approval of the executive council~~ issue permits leases to prospect for ~~gold, silver, copper, cobalt, graphite, coal, and petroleum and, mine, and remove other minerals other~~ than iron ore upon any lands owned by the state, including trust fund lands, lands forfeited for nonpayment of taxes whether held in trust or otherwise, and lands otherwise acquired, and the beds of any waters belonging to the state ~~adjacent to such lands. Such permits shall be issued for a period not to exceed two years and under such rules as may be prescribed by the commissioner.~~

Subd. 2. **LEASES LEASE REQUIREMENTS.** At any time prior to the expiration of any such prospecting permit the holder thereof shall have the right to lease the land covered by the permit for the purpose of mining and removing

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~~therefrom any minerals which may be discovered therein other than iron ore. All leases for nonferrous metallic minerals or petroleum must be approved by the executive council, and any other mineral lease issued pursuant to this section that covers 160 or more acres must be approved by the executive council.~~ The rents, royalties, terms, conditions, and covenants of all such leases shall be fixed by the commissioner pursuant to such rules as may be prescribed by the commissioner, but no lease shall be for a longer term than 50 years, and all such rents, royalties, terms, conditions, and covenants shall be fully set forth in each lease thus issued and the rents and royalties therein provided for shall be credited to the funds as provided in section 93.22 or 93.335, subdivision 4, as amended.

Subd. 3. **EFFECT.** The provisions of this section shall not be deemed to repeal or supersede any other applicable provision of law, but shall be supplementary thereto.

Sec. 3. Minnesota Statutes 1992, section 282.04, subdivision 1, is amended to read:

Subdivision 1. **TIMBER SALES; LAND LEASES AND USES.** The county auditor may sell timber upon any tract that may be approved by the natural resources commissioner. Such sale of timber shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until such time as the county board may withdraw such timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of natural resources. Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales, the down payment shall be 25 percent of the appraised value, and the balance shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a single sale with predetermined cutting blocks, the down payment shall be 25 percent of the appraised price of the entire timber sale which may be held until the satisfactory completion of the sale or applied in whole or in part to the final cutting block. The value of each separate block must be paid in full before any cutting may begin in that block. With the permission of the county administrator the purchaser may enter unpaid blocks and cut necessary timber incidental to developing logging roads as may be needed to log other blocks provided that no timber may be removed from an unpaid block until separately scaled and paid for. The county board may require final settlement on the basis of a scale of cut products. Any parcels of land from which timber is to be sold by scale of cut products shall be so designated in the published notice of sale above mentioned, in which case the notice shall contain a description of such parcels, a statement of the estimated quantity of each species of timber thereon and the appraised price of each specie of timber for 1,000 feet, per cord or per piece, as the case may be. In such cases any bids offered over and

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above the appraised prices shall be by percentage, the percent bid to be added to the appraised price of each of the different species of timber advertised on the land. The purchaser of timber from such parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of sale as estimated to be standing on the land, and in addition shall pay at the same rate for any additional amounts which the final scale shows to have been cut or was available for cutting on the land at the time of sale under the terms of such sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of such sale than was originally paid for, the excess payment shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board as in case of other claims against the county. No timber, except hardwood pulpwood, may be removed from such parcels of land or other designated landings until scaled by a person or persons designated by the county board and approved by the commissioner of natural resources. Landings other than the parcel of land from which timber is cut may be designated for scaling by the county board by written agreement with the purchaser of the timber. The county board may, by written agreement with the purchaser and with a consumer designated by the purchaser when the timber is sold by the county auditor, and with the approval of the commissioner of natural resources, accept the consumer's scale of cut products delivered at the consumer's landing. No timber shall be removed until fully paid for in cash. Small amounts of timber not exceeding \$3,000 in appraised valuation may be sold for not less than the full appraised value at private sale to individual persons without first publishing notice of sale or calling for bids, provided that in case of such sale involving a total appraised value of more than \$200 the sale shall be made subject to final settlement on the basis of a scale of cut products in the manner above provided and not more than two such sales, directly or indirectly to any individual shall be in effect at one time.

As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations or organized subdivisions of the state at public or private vendue, and at such prices and under such terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumps, sand, gravel, clay, rock, marl, and black dirt therefrom, and for garden sites and other temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any leases involving a consideration of more than \$300 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any such leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by such cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county.

The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants,

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upon such conditions and for such consideration and for such period of time, not exceeding 15 years, as the county board may determine; said permits, licenses, or leases to be subject to approval by the commissioner of natural resources.

Any person who removes any timber from tax-forfeited land before said timber has been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

The county auditor may, with the approval of the county board ~~and the commissioner of natural resources~~, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat from tax-forfeited lands upon such terms and conditions as the county board may prescribe. Provided, however, that Any lease for the removal of peat from tax-forfeited lands must first be reviewed and approved by the commissioner of natural resources if the lease covers 320 or more acres. No lease for the removal of peat shall be made by the county auditor pursuant to this section without first holding a public hearing on the auditor's intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

ARTICLE 2

ENVIRONMENTAL RESEARCH

Section 1. Minnesota Statutes 1992, section 93.001, is amended to read:

93.001 POLICY FOR MINERAL DEVELOPMENT.

It is the policy of the state to provide for the diversification of the state's mineral economy through long-term support of mineral exploration, evaluation, environmental research, development, production, and commercialization.

Sec. 2. Minnesota Statutes 1992, section 93.002, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** The mineral coordinating committee is established to plan for diversified mineral development. The mineral coordinating committee consists of the director of the minerals division of the department of natural resources, the deputy commissioner of the Minnesota pollution control agency, the director of the Minnesota geological survey, the ~~director~~ dean of the University of Minnesota ~~mineral resources research center~~ institute of technology, and the director of the natural resources research institute. The director of the minerals division of the department of natural resources shall serve as chair. A member of the committee may designate another person of the member's organization to act in the member's place. The commissioner of natu-

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ral resources shall provide staff and administrative services necessary for the committee's activities.

The mineral coordinating committee is encouraged to solicit and receive advice from representatives of the United States Bureau of Mines, the United States Geological Survey, and the United States Environmental Protection Agency.

Sec. 3. Minnesota Statutes 1992, section 93.002, subdivision 3, is amended to read:

Subd. 3. **MINERALS PROGRAMS.** The mineral diversification ~~plan~~ programs must address at least the following: aeromagnetic surveys, glacial till geochemistry surveys, geologic drilling and mapping, LMIC minerals data base, drill core examination and assay, industrial minerals characterization and research, bedrock geochemistry, nonferrous minerals research, environmental research and protection, reclamation studies, economic evaluation of mineral resources, improved geophysical and remote sensing base, acquisition of sampling equipment and analyses, determination of mineral rights ownership, ferrous minerals research, evaluation of mineral resource occurrence, evaluation of value added processes, ore deposit modeling, and basic mineral research.

ARTICLE 3

EXPLORATORY BORINGS

Section 1. Minnesota Statutes 1992, section 103I.113, is amended to read:

103I.113 APPLICABILITY TO MINING ACTIVITIES.

The provisions of this chapter do not apply to mining activities within a mining area described in a permit to mine issued under section 93.481 except a well or boring from which water is withdrawn. The provisions of this chapter do not apply to borings made within an area for which a conditional use permit for kaolin clay extraction has been obtained from the appropriate permitting authority when the kaolin clay extraction activity will remove all of the materials in which the borings occurred except a well or boring from which water is withdrawn.

Sec. 2. Minnesota Statutes 1992, section 103I.601, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** (a) For the purposes of this section, the following words have the meanings given them.

(b) "Data" includes samples and factual noninterpreted data obtained from exploratory borings and samples including analytical results.

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(c) "Parcel" means a government section, fractional section, or government lot.

(d) "Samples" means at least a one-quarter portion of all samples from exploratory borings that are customarily collected by the explorer. When the exploratory borings are being done to explore or prospect for kaolin clay, "samples" means a representative sample of at least two cubic inches of material per foot from exploratory borings of the material that is customarily collected by the explorer.

Sec. 3. Minnesota Statutes 1992, section 103I.605, subdivision 4, is amended to read:

Subd. 4. **EXPLORATION DATA.** (a) By 180 days after termination by the explorer of a lease or other type of exploration agreement on a property the data from the exploration must be submitted to the commissioner of natural resources. The data ~~is~~ are public data and persons submitting or releasing the data are not subject to civil or criminal liability for its use by others.

(b) Data that will become public under paragraph (a) may be submitted, with the prior written permission of the commissioner of natural resources, before the termination. If the data are submitted earlier than the required time, the data do not become public data until 180 days after termination by the explorer of the lease or other type of exploration agreement on the property from which the data ~~is~~ are obtained. An explorer submitting data before the time required by paragraph (a) shall provide to the commissioner of natural resources at the time the data are submitted and every 180 days ~~thereafter~~ after that time, in a format designated by the commissioner of natural resources, satisfactory evidence that the lease or other type of exploration agreement is in effect. If satisfactory evidence that the mineral lease or other exploration agreement is still in effect is not provided to the commissioner of natural resources for a given 180-day period by the required date, the data immediately become public data. The explorer may waive, in writing, the data privacy requirements and agree that data submitted before the time required by paragraph (a) are public data.

(c) Upon the written request of the explorer, data submitted under paragraph (a) are nonpublic data until 180 days after termination by the explorer of: (1) all other leases or other types of exploration agreements on property located within the same government section as the property on which the exploratory boring was done, and (2) all other leases or other types of exploration agreements on property located within a government section having at least one point in common along its boundary line with the government section in which the exploratory boring was done; provided that the owner of the property on which the exploration occurred consents to the data not becoming public data.

An explorer requesting that the exploration data not become public data shall provide to the commissioner of natural resources at the time the data are submitted and every 180 days after that time, in a format designated by the commissioner of natural resources: (1) satisfactory evidence that the lease or exploration agreement that provides the basis for requesting that the data remain as not public data remains in effect, and (2) satisfactory evidence that

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the owner of the property upon which the exploration occurred consents to the data not becoming public data.

If either of the pieces of satisfactory evidence is not provided to the commissioner of natural resources for a given 180-day period by the required date, the data immediately become public data. The explorer may waive, in writing, the data privacy requirements and agree that the submitted data are public data.

(d) Notwithstanding paragraph (b), Exploration drill core data and samples submitted before the time required by paragraph (a) under paragraphs (b) and (c) become public data no later than five years after receipt of the exploration drill core data and samples by the commissioner of natural resources even if the lease or other type of exploration agreement on the property from which the exploration drill core and samples were obtained described in paragraphs (b) and (c) has not terminated.

ARTICLE 4

LEAN ORE STOCKPILE REMOVAL; OIL AND GAS POOLING

Section 1. Minnesota Statutes 1992, section 93.46, is amended by adding a subdivision to read:

Subd. 9. "Lean ore stockpile removal" means the mining and processing of low-grade mineralized material from stockpiles for the purpose of extracting iron.

Sec. 2. Minnesota Statutes 1992, section 93.481, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITION AGAINST MINING WITHOUT A PERMIT; APPLICATION FOR A PERMIT.** Except as provided in this subdivision, after June 30, 1975, no person shall engage in or carry out a mining operation for metallic minerals within the state unless the person has first obtained a permit to mine from the commissioner. Any person engaging in or carrying out a mining operation as of the effective date of the rules promulgated under section 93.47 shall apply for a permit to mine within 180 days after the effective date of such rules. Any such existing mining operation may continue during the pendency of the application for the permit to mine. The person applying for a permit shall apply on forms prescribed by the commissioner and shall submit such information as the commissioner may require, including but not limited to the following:

(a) A proposed plan for the reclamation or restoration, or both, of any mining area affected by mining operations to be conducted on and after the date on which permits are required for mining under this section;

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(b) A certificate issued by an insurance company authorized to do business in the United States that the applicant has a public liability insurance policy in force for the mining operation for which the permit is sought, or evidence that the applicant has satisfied other state or federal self-insurance requirements, to provide personal injury and property damage protection in an amount adequate to compensate any persons who might be damaged as a result of the mining operation or any reclamation or restoration operations connected with the mining operation;

(c) A bond which may be required pursuant to section 93.49; and

(d) A copy of the applicant's advertisement of the ownership, location, and boundaries of the proposed mining area and reclamation or restoration operations, which advertisement shall be published in a legal newspaper in the locality of the proposed site at least once a week for four successive weeks before the application is filed, except that if the application is for a permit to conduct lean ore stockpile removal the advertisement need be published only once.

Sec. 3. Minnesota Statutes 1992, section 93.481, subdivision 2, is amended to read:

Subd. 2. **COMMISSIONER'S REVIEW; HEARING; BURDEN OF PROOF.** Within 120 days after receiving the application, or after receiving additional information requested, or after holding a hearing as provided in this section, the commissioner shall grant the permit applied for, with or without modifications or conditions, or deny the application. If written objections to the proposed application are filed with the commissioner within 30 days after the last publication required pursuant to this section or within seven days after publication in the case of an application to conduct lean ore stockpile removal, by any person owning property which will be affected by the proposed operation or by any federal, state, or local governmental agency having responsibilities affected by the proposed operations, a public hearing shall be held by the commissioner in the locality of the proposed operations within 30 days of receipt of such written objections and after appropriate notice and publication of the date, time, and location of the hearing. The commissioner shall determine that the reclamation or restoration planned for the operation complies with lawful requirements and can be accomplished under available technology and that a proposed reclamation or restoration technique is practical and workable under available technology.

Sec. 4. **[93.515] OIL AND GAS WELLS; RULES RELATING TO SPACING, POOLING, AND UNITIZATION.**

The commissioner of natural resources may adopt rules under chapter 14 relating to:

(1) spacing of oil and gas wells to regulate the density of drilling to prevent unnecessary draining of the reservoir and to prevent economic waste of products from wells;

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(2) pooling, which is the combining of tracts and mineral interests to form a drilling or spacing unit; and

(3) unitization, which is the acquisition of the legal right to operate a whole reservoir as though all tracts overlying the reservoir were under a single lease.

Presented to the governor May 7, 1993

Signed by the governor May 10, 1993, 2:58 p.m.

CHAPTER 114—H.F.No. 430

An act relating to human services; requiring the departments of health and human services to develop plans to reduce duplication and paperwork in reviews conducted.

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

Section 1. COORDINATION OF DEPARTMENT REVIEWS AND EVALUATIONS.

The commissioners of health and human services shall develop and implement a plan by 1995 to coordinate reviews, surveys, evaluations, and investigations conducted by the agencies. The plan shall determine which department is responsible for conducting specific reviews, surveys, and evaluations. The purpose of the state coordinated plan is to reduce duplication and paperwork, including paperwork required of local agencies and providers. The commissioners of health and human services shall consult with local agencies, providers, and other interested parties in the formulation of a statewide coordinated plan.

Sec. 2. STUDY OF FOOD INSPECTIONS.

The commissioner of health, in cooperation with the commissioner of agriculture, affected local health departments, and representatives of statewide organizations for the businesses that are inspected, shall study and report to the legislature by February 1, 1994, on the current system for regulating and inspecting grocery stores and food, beverage, and lodging establishments. The study shall analyze the current system and determine whether or not the system could be improved (1) through better coordination of various inspection responsibilities; (2) by assigning to either the commissioner of health or the commissioner of agriculture the responsibility to conduct all food-related inspections; or (3) by adopting other modifications that the report shall recommend.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor May 7, 1993

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