

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **CASS COUNTY; ON-SALE LIQUOR LICENSES.** The county board of Cass county may issue not to exceed five licenses for the on-sale of intoxicating liquor, which licenses shall be in addition to the numbers authorized by Minnesota Statutes, Section 340.11, Subdivision 10. All other provisions of section 340.11, subdivision 10, shall apply to a license issued pursuant to this act.

Sec. 2. This act is effective upon approval by the county board of Cass county and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 22, 1973.

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## CHAPTER 526—H.F.No.2029

[Coded in Part]

*An act relating to mining; strengthening certain provisions relating to mineland reclamation; providing penalties; amending Minnesota Statutes 1971, Sections 93.46, Subdivision 3; 93.47, Subdivisions 2, 3, and 5; 93.49; 93.51; and Chapter 93, by adding a section; repealing Minnesota Statutes 1971, Section 93.46, Subdivision 4.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 93.46, Subdivision 3, is amended to read:

Subd. 3. **MINING; LAND RECLAMATION; PERMITS.** ~~“Tailings basin” means that area of land upon which is hereafter deposited by hydraulic means the material which is separated from the mineral product in the beneficiation of metallic minerals including any surrounding dikes constructed to contain said material.~~ “Mine waste” means any material, including but not limited to surface overburden, rock, lean ore, or tailings which in the process of mining and beneficiation has been removed from the earth and stored elsewhere on the surface.

Sec. 2. Minnesota Statutes 1971, Section 93.47, Subdivision 2, is amended to read:

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Subd. 2. In determining the extent and type of regulation required, the commissioner shall give due consideration to the effects of mining upon the following: (a) environment; (b) the future utilization of the land upon completion of mining; and (c) the wise utilization and protection of the natural resources including but not limited to the control of erosion, the prevention of land or rock slides, and air and water pollution. The commissioner also shall give due consideration to (a) the future and economic effect of such regulations upon the mine operators and landowners, the surrounding communities, and the state of Minnesota; (b) the effect upon employment in the state; (c) the effect upon the future mining and development of metallic minerals owned by the state of Minnesota and others, and the revenues received therefrom; and (d) the practical problems of the mine operators and mineral owners including, but not limited to, slope gradients as achieved by good mining or soil stabilization practices.

Sec. 3. Minnesota Statutes 1971, Section 93.47, Subdivision 3, is amended to read:

Subd. 3. Upon completion of his study and survey and consistent with the declared policy of sections 93.44 to 93.51, the commissioner, pursuant to chapter 15, may adopt rules and regulations pertaining to that portion of mining operations conducted subsequent to the effective date of such rules and regulations and subject to the provisions of any rights existing pursuant to any permit, license, lease or other valid existing authorization issued by the commissioner, the Pollution Control Agency or any other governmental entity, or their predecessors in office, and subject to any applicable mine safety laws or regulations now existing or hereafter adopted, ~~for in regard to the following purposes: (a) The regulation of those tailings basins which are located in close proximity to the built up portions of established communities and which will or might cause nuisance conditions; (b) The vegetation or other practical treatment of tailings basins upon becoming permanently inactive where substantial natural vegetation is not expected within five years and where research reveals that vegetation can reasonably be accomplished within practical limitations; (c) The regulation of those stockpiles where land or rock slides are occurring or are likely to occur which might injure persons or cause damage to adjacent property not used or intended for use in a mining operation; (d) The regulation of those stockpiles where erosion is occurring or is likely to occur which results or may result in injury or damage to fish and wildlife, the pollution of public waters, or which is causing or might cause injury to the property or person of others; (e) The vegetation, sloping, terracing or other practical treatment of the exposed surface of any stockpile which is hereafter placed at a site then in close proximity to any state trunk highway or county state aid road or to the built up portion of any~~

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~~community; (f) The stabilization of the surface overburden banks of taconite open pits where such banks are located along the footwall side of said pits; (g) The control of surface overburden stockpiles; and (h) The clean up of plantsite and mining areas and the removal of debris therefrom upon the termination of the mining operation~~ (a) Mine waste disposal, (b) mining areas, including but not limited to plant facilities and equipment, and (c) permits to mine, as required by section 5. To the greatest extent possible, within the authority possessed by the commissioner, the rules so promulgated shall substantially comply with or exceed any minimum mineland reclamation requirements which may be established pursuant to a federal mineland reclamation act. The rules so promulgated also shall conform with any state and local land use planning program; provided further the commissioner shall develop procedures that will identify areas or types of areas which, if mined, cannot be reclaimed with existing techniques to satisfy the rules and regulations promulgated under this subdivision, and the commissioner will not issue permits to mine such areas until the commissioner determines technology is available to satisfy the rules and regulations so promulgated.

Sec. 4. Minnesota Statutes 1971, Section 93.47, Subdivision 5, is amended to read:

Subd. 5. For the purpose of information and to assist the commissioner in the proper enforcement of the rules and regulations promulgated under sections 93.44 to 93.51 each operator shall within 120 days of May 28, 1969, file with the commissioner a plan map in such form as shall be determined by the commissioner showing all existing mining areas or areas subjected to mining by said operator. Annually thereafter, on or before the 15th day of March, and until the operator's reclamation or restoration plan is approved pursuant to section 5, he shall file a plan map in similar form showing any changes made during the preceding calendar year and the mining area which he anticipates will be subjected to mining during the current calendar year. After approval of a permit to mine, the commissioner shall may periodically at such times as he deems necessary ascertain the long range land environment require additional reclamation or restoration information or plans of said from the operator.

Sec. 5. Minnesota Statutes 1971, Chapter 93, is amended by adding a section to read:

**[93.481] PERMIT TO MINE. 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**

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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;

(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.

**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, 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

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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.

Subd. 3. TERM OF PERMIT; AMENDMENT. A permit issued by the commissioner pursuant to this section shall be granted for the term determined necessary by the commissioner for the completion of the proposed mining operation, including reclamation or restoration. A permit may be amended upon written application to the commissioner. If the commissioner determines that the proposed amendment constitutes a substantial change to the permit, the person applying for the amendment shall publish notice in the same manner as for a new permit, and a hearing shall be held if written objections are received in the same manner as for a new permit. An amendment may be granted by the commissioner if he determines that lawful requirements have been met.

Subd. 4. REVOCATION, MODIFICATION, SUSPENSION. A permit is irrevocable during its term except as follows:

(a) The permittee has not commenced substantial construction of plant facilities or actual mining and reclamation or restoration operations covered by the permit within three years of issuance of the permit;

(b) A permit may be cancelled at the request or with the consent of the permittee upon such conditions as the commissioner determines necessary for the protection of the public interests;

(c) Subject to the rights of the permittee to contest the commissioner's action under section 15.0418 and related sections, a permit may be modified or revoked by the commissioner in case of any breach of the terms or conditions thereof or in case of violation of law pertaining thereto by the permittee, his agents, or servants, or in case the commissioner finds such modification or cancellation necessary to protect the public health or safety, or to protect the public interests in lands or waters against injury resulting in any manner or to any extent not expressly authorized by the permit, or to prevent injury to persons or property resulting in any manner or to any extent not so authorized, upon at least 30 days' written notice to the permittee, stating the grounds of the proposed modification or revocation or providing a reasonable time of not less than 15 days in which to take corrective action and giving the permittee an opportunity to be heard thereon;

(d) By written order to the permittee the commissioner may forthwith suspend operations under a permit if he finds it necessary in an emergency to protect the public health or safety or to protect public interests in lands or waters against imminent danger

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of substantial injury in any manner or to any extent not expressly authorized by the permit, or to protect persons or property against such danger, and may require the permittee to take any measures necessary to prevent or remedy such injury. No suspension order under this clause (d) shall be in effect more than 30 days from the date thereof without giving the permittee at least ten days' written notice of the order and an opportunity to be heard thereon.

Subd. 5. ASSIGNMENT. A permit may not be assigned or otherwise transferred without the written approval of the commissioner.

Sec. 6. Minnesota Statutes 1971, Section 93.49, is amended to read:

93.49 BOND OF OPERATOR. The commissioner shall require a bond or other security or assurance satisfactory to the commissioner from an operator who (a) fails to take reclamation measures set forth in the permit or any amendment thereto, (b) fails to comply with rules and regulations promulgated by the commissioner pursuant to section 93.47, or (c) fails to perform research which may be agreed upon by the permittee and the commissioner or required by Minnesota Statutes 1971, Sections 93.44 to 93.51, and acts amendatory thereof in regard to reclamation of mining areas under the control of the operator. The commissioner, if he also may require a bond, security, or other assurance from an operator if the commissioner has reasonable doubts as to the operator's financial ability to comply with the rules and regulations relative to actions required to be taken after the completion of such mining operations or any phase thereof, may require a mine operator to furnish a performance bond or other security or assurance satisfactory to the commissioner. The commissioner, in considering the application of this section, may postpone the bond, security or assurance required in this section to a subsequent date depending upon the life of the particular mining operation involved. The commissioner shall review annually the need for and extent of each operator's bond under this section.

Sec. 7. Minnesota Statutes 1971, Section 93.51, is amended to read:

93.51 PENALTIES FOR VIOLATION. Subdivision 1. If any person fails to comply with any provision of sections 93.44 to 93.51, or any rules or regulations promulgated pursuant to these sections, or any permit condition required by these sections or the rules or regulations, for a period of 15 days after notice of such failure, or the expiration of time for corrective action as provided for in section 93.481, subdivision 4, such person shall be liable for a civil penalty of not more than \$1,000 for each and every day of the continuance of such failure. The commissioner may assess and collect any such penalty.

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Subd. 2. Any person who knowingly and willfully violates or refuses to comply with any regulation, decision, order or ruling of the commissioner shall upon conviction be guilty of a gross misdemeanor. At the request of the commissioner, the attorney general may institute a civil action in a district court of the state for a restraining order or injunction or other appropriate remedy to prevent or preclude a violation of the terms and conditions of any rules or regulations promulgated hereunder. The district court of the state of Minnesota in which district the mining operation affected is conducted shall have jurisdiction to issue such order or injunction or to provide other appropriate remedies.

Sec. 8. **REPEALER.** Minnesota Statutes 1971, Section 93.46, Subdivision 4, is repealed.

Sec. 9. **EFFECTIVE DATE.** Except where otherwise provided, this act is effective the day following final enactment. The commissioner shall promulgate the rules and regulations required by section 93.47 before July 1, 1974.

Approved May 22, 1973.

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## CHAPTER 527—H.F.No.2052

[Not Coded]

*An act relating to St. Louis county; providing funds for the maintenance and support of county extension work in St. Louis county; amending Laws 1971, Chapter 370, Section 1.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1971, Chapter 370, Section 1, is amended to read:

Section 1. **ST. LOUIS COUNTY; AGRICULTURAL SOCIETIES; MAINTENANCE OF COUNTY EXTENSION WORK.** Notwithstanding the limitation in Minnesota Statutes, Section 38.36, the county board of St. Louis county may annually levy an any amount of necessary ~~not to exceed \$65,000~~ for maintenance and support of county extension work.

Sec. 2. This act is effective upon its approval by the governing body of St. Louis county, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 22, 1973.

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