

issued to said corporation shall only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

The ~~commission board~~ shall allow a bona fide transfer of a permit, ex parte without hearing where the transferee of said permit is in fact a member or members of the transferor's immediate family. For the purpose of this paragraph immediate family shall consist only of the lawful spouse, adult child or children, brother or sister of the transferor. A transfer pursuant to this paragraph shall include:

(1) transfer to a corporation the stock of which is wholly owned by the transferor or the members of his immediate family.

(2) transfer to a partnership or partner consisting solely of the immediate family as defined in this paragraph.

Sec. 84. Minnesota Statutes 1978, Section 221.55, is amended to read:

221.55 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY. No person or corporation shall engage in the transportation described in section 221.54 without a certificate of public convenience and necessity from the ~~commission board~~ authorizing such operation. Such certificate shall be issued by the ~~commission board~~ pursuant to application, notice and hearing as provided in sections 221.061 and 221.071, and the issuance of certificates and the transportation covered thereby shall be governed by the provisions of such sections and by sections 221.031, 221.041, 221.051 and 221.081, applying to ~~auto transportation companies~~ certificated common carriers for hire, insofar as such provisions are not inconsistent with section 221.54 and this section.

Sec. 85. Minnesota Statutes 1978, Section 221.68, is amended to read:

221.68 VIOLATIONS; PENALTIES. Any person who violates or procures, aids, or abets violation of, or fails to comply with, the provisions of sections 221.61 to 221.68 or any valid order or rule of the commissioner or ~~commission board~~ issued hereunder shall be guilty of a misdemeanor; and, additionally, shall be subject to a penalty of \$50 for each and every day of such failure to so comply, to be recovered for the state in a civil action. Each distinct violation shall be a separate offense.

Sec. 86. Minnesota Statutes 1978, Section 219.742, is repealed.

Sec. 87. EFFECTIVE DATE. This act is effective on July 1, 1981.

Approved April 11, 1980

CHAPTER 535—H.F.No. 1513

An act relating to the environment; regulating activities of drillers of exploratory borings; specifying the powers and duties of public officers and agencies; providing

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penalties; amending Minnesota Statutes 1978, Sections 156A.01; 156A.02, Subdivision 1, and by adding subdivisions; 156A.03, Subdivision 1; 156A.04; 156A.06, Subdivision 1; 156A.08; and Chapter 156A, by adding a section.

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

Section 1. Minnesota Statutes 1978, Section 156A.01, is amended to read:

156A.01 **LEGISLATIVE INTENT.** It is the legislative intent and purpose in sections 156A.01 to 156A.08 to reduce and minimize the waste of ground water resources within this state by reasonable legislation in licensing of drillers or makers of water wells and the regulation of exploratory borings in Minnesota and to protect the health and general welfare by providing a means for the development and protection of the natural resource of underground water in an orderly, sanitary and reasonable manner. In furtherance of the above intents and purposes, and in recognition of the effects of exploration and mining of metallic minerals on ground water resources, the legislature finds that it is necessary to require submission of factual data generated by exploratory borings to the state, for the purpose of controlling possible adverse environmental effects of mining, to preserve the natural resources, and to encourage the planning of future land utilization, while at the same time promoting the orderly development of mining, the encouragement of good mining practices, and the recognition and identification of the beneficial aspects of mining.

Sec. 2. Minnesota Statutes 1978, Section 156A.02, Subdivision 1, is amended to read:

156A.02 **DEFINITIONS; EXCLUSIONS.** Subdivision 1. For the purposes of sections 156A.01 to 156A.08, "water well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the same is for the location, diversion, artificial recharge, or acquisition of ground water; provided, however, that the term does not include excavation by backhoe, or otherwise, for recovery and use of surface waters where the depth thereof is 25 feet or less; nor shall it include an excavation other than exploratory boring made for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying or for the inserting media to repressure oil or natural gas bearing formations or for storing petroleum, natural gas or other products.

Sec. 3. Minnesota Statutes 1978, Section 156A.02, is amended by adding a subdivision to read:

Subd. 4. For the purposes of sections 156A.01 to 156A.08 "explorer" means a person who has the right to drill any exploratory boring.

Sec. 4. Minnesota Statutes 1978, Section 156A.02, is amended by adding a subdivision to read:

Subd. 5. For the purposes of sections 156A.01 to 156A.08 "exploratory boring" means any surface drilling done for the purpose of exploring or prospecting for oil, natural gas, and metallic minerals, including but not limited to the

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following: iron, copper, zinc, lead, gold, silver, titanium, vanadium, nickel, cadmium, molybdenum, chromium, manganese, cobalt, zirconium, beryllium, thorium, uranium, aluminum, platinum, palladium, radium, tantalum, tin, and niobium. "Exploratory boring" does not include drilling done in the Biwabik iron formation in relation to natural iron ore or activities regulated pursuant to section 298.48.

Sec. 5. Minnesota Statutes 1978, Section 156A.03, Subdivision 1, is amended to read:

156A.03 REGULATION AND LICENSING. Subdivision 1. The state commissioner of health shall regulate and license the drilling and constructing of all water wells within this state, examine and license water well contractors and, after consultation with the commissioner of natural resources and the pollution control agency establish standards for the design, location and construction of water wells within this state. As provided in section 8, the commissioner shall license explorers engaged in exploratory boring and shall examine individuals who supervise or oversee exploratory boring.

Sec. 6. Minnesota Statutes 1978, Section 156A.04, is amended to read:

156A.04 SUSPENSION OR REVOCATION OF LICENSE. The state commissioner of health may, after hearing upon reasonable notice, suspend or revoke the license of a contractor or an explorer upon finding that the licensee has violated the provisions of sections 156A.01 to 156A.08 or the rules and regulations adopted hereunder applicable to the particular license. Proceedings by the state commissioner of health pursuant to this section and review thereof shall be in accordance with the administrative procedure act.

Sec. 7. Minnesota Statutes 1978, Section 156A.06, Subdivision 1, is amended to read:

156A.06 WATER WELL CONTRACTORS AND EXPLORATORY BORERS ADVISORY COUNCIL; MEMBERS; TERMS; EMPLOYEES. Subdivision 1. There is hereby created the water well contractors and exploratory borers advisory council, herein referred to as the "advisory council," as an advisory council to the state commissioner of health. The advisory council shall be composed of ~~nine~~ 13 voting members. Of the ~~nine~~ 13 voting members, one member shall be from the state department of health, appointed by the state commissioner of health; one member shall be from the department of natural resources, appointed by the commissioner of natural resources; one member shall be a member of the Minnesota geological survey of the University of Minnesota appointed by the director; two members shall be engaged in the business of exploratory boring for minerals; two public members who are not connected with the business of exploratory boring or the water well drilling industry; and six members shall be contractors actively engaged in the water well drilling industry, not to exceed two from the seven county metropolitan area and at least four from the remainder of the state who shall be representative of different geographical regions. They shall be residents of the state of Minnesota and appointed by the commissioner of health. No appointee of the water well drilling industry shall

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serve consecutive terms. The appointees to the advisory council from the water well drilling industry shall have been bona fide residents of this state for a period of at least three years prior to appointment and shall have had at least five years experience in the water well drilling business. The council shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 8. Minnesota Statutes 1978, Chapter 156A, is amended by adding a section to read:

[156A.071] EXPLORATORY BORING; LICENSING AND REGULATION.
Subdivision 1. DEFINITIONS. For the purposes of this section, the following words have the meanings given them:

(a) "Data" includes but is not limited to all samples and factual noninterpreted data obtained from exploratory borings and samples including analytical results;

(b) "Parcel" means a government section, fractional section, or government lot; and

(c) "Samples" means at least a one-quarter portion of all samples from exploratory borings that are customarily collected by the explorer.

Subd. 2. LICENSING. An explorer engaging in exploratory boring shall obtain a license to do so in accordance with the provisions of this chapter and the rules adopted thereunder. The explorer may designate a responsible individual who supervises and oversees the making of exploratory borings. Before an individual supervises or oversees an exploratory boring, the individual shall take and pass an examination on those sections of the Minnesota Water Well Construction Code relating to construction, location, and abandonment of wells, which apply to exploratory borings. A professional engineer registered pursuant to Minnesota Statutes, Sections 326.02 to 326.15, or a certified professional geologist shall not be required to take the examination specified in this section but shall be required to be licensed in accordance with this section to engage in exploratory boring.

Subd. 3. REGISTRATION. At least 30 days prior to commencing exploratory borings, an explorer shall register with the commissioner of natural resources and provide a copy of the registration to the commissioner of health. The registration shall include:

(a) The identity of the firm, association, or company engaged in exploratory boring; and

(b) The identification of an agent, including the agent's business address. The commissioner of natural resources may require a bond, security, or other assurance from an explorer if the commissioner has reasonable doubts as to the explorer's financial ability to comply with requirements of law relating to exploratory boring. An explorer shall register annually while conducting exploratory boring.

Subd. 4. INFORMATIONAL REQUIREMENTS. At least ten days prior to the commencement of exploratory boring, each explorer shall submit to the commissioner of natural resources a county road map having a scale of one-half inch equal to one mile, as prepared by the state highway department, indicating the location of each proposed exploratory boring to the nearest estimated 40 acre parcel. A copy of this map shall be submitted to the commissioner of health.

Subd. 5. ACCESS TO DRILL SITES. The commissioner of health, the commissioner of natural resources, the director of the pollution control agency, the county health officer, and their officers and employees shall have access to exploratory boring sites for the purpose of inspecting the drill holes, drilling, and abandonment, and for the purpose of sampling ambient air and drilling waters, and measuring the radioactivity of the waste drill cuttings at the drilling site at the time of on-site observation.

Subd. 6. EMERGENCY NOTIFICATION. The explorer shall promptly notify the commissioner of health, the commissioner of natural resources, the pollution control agency, and the county health officer of any occurrence during exploratory boring that has a potential for significant adverse health or environmental effects and shall take such action as may be reasonably possible to minimize such adverse effects. The commissioner of health may inspect data prior to its submission as required by subdivision 8, if necessary, to accomplish the purposes of the laws relating to explorers and exploratory borings. The data examined by the commissioner of health shall be considered to be not public data prior to the time for making any submissions of the data under subdivision 8 or 9.

Subd. 7. PERMANENT AND TEMPORARY ABANDONMENT PROCEDURES. Permanent and temporary abandonment of exploratory borings shall be accomplished in the same manner as that prescribed for the abandonment of water wells pursuant to rules adopted in accordance with this chapter.

Subd. 8. ABANDONMENT REPORT. Within 30 days of permanent or temporary abandonment of an exploratory boring, the explorer shall submit on forms provided by the commissioner of health to the commissioner of health and the commissioner of natural resources a report to include:

- (a) The location of each drill hole at as large a scale as possible, which is normally prepared as part of the explorer's record;
- (b) The type and thickness of overburden and rock encountered;
- (c) Identification of water bearing formations encountered;
- (d) Identification of hydrologic conditions encountered;
- (e) Method of abandonment used;
- (f) Methods of construction and drilling used;
- (g) Average scintillometer reading of waste drill cuttings prior to backfilling of the recirculation pits.

Subd. 9. SUBMISSION OF DATA FROM EXPLORATORY BORINGS.

Data obtained from exploratory borings shall be submitted by the explorer to the commissioner of natural resources as follows:

(a) Upon application for a state permit required for activities relating to mineral deposit evaluation, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. The explorer may identify portions of the data which, if released, would impair the competitive position of the explorer submitting the data. Data so identified shall be considered to be not public data. If the commissioner is requested to disclose the data, he shall mail notice of the request to the explorer, and shall determine whether release of the data would impair the competitive position of the explorer submitting the data. If the commissioner determines that release of the data would impair the competitive position of the explorer submitting the data, the commissioner shall not release the data to any person other than parties to the proceedings relating to the permit under consideration. Parties to the proceedings shall maintain the confidentiality of data. Further, no not public data shall be released by the commissioner until 30 days after mailed notice to the explorer of the commissioner's intention to do so. Under no circumstances shall the commissioner release data to any person, company, or organization engaged in exploration, mining, milling or related industry pertaining to any mineral. If the commissioner determines to release data the explorer may demand a contested case hearing on the commissioner's determination or may withdraw the permit application and the data shall not be released. Any person aggrieved by the decision of the commissioner may appeal the decision to the district court pursuant to chapter 15;

(b) Upon application for a state permit required for mine development, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. This data shall be considered public data and persons submitting the data shall not be subject to civil or criminal liability for its use by others;

(c) Within six months after termination by the explorer of its lease or any other type of exploration agreement on a property all data shall be submitted. For a lease or any other type of exploration agreement terminated prior to the effective date of this act, on which exploratory borings were made on or after January 1, 1977, the data as required herein shall be submitted within six months of the effective date of this act. The data shall be considered public data and persons submitting the data shall not be subject to civil or criminal liability for its use by others. Data submitted to the commissioner of natural resources prior to the effective date of this act need not be submitted under this section. The commissioner of natural resources shall designate which samples shall be submitted, and shall specify the location to which the sample shall be delivered. In the event that the explorer requires certain samples in their entirety, the commissioner of natural resources may waive the requirement for a one-quarter portion of the samples. Samples submitted become property of the state.

(d) As used in this subdivision, "mineral deposit evaluation" means examining an area to determine the quality and quantity of minerals, excluding explor-

atory boring but including obtaining a bulk sample, by such means as excavating, trenching, constructing shafts, ramps, tunnels, pits and producing refuse and other associated activities. "Mineral deposit evaluation" shall not include activities intended, by themselves, for commercial exploitation of the ore body. "Mine development" means those activities undertaken after mineral deposit evaluation for commercial exploitation of the ore body.

Sec. 9. Minnesota Statutes 1978, Section 156A.08, is amended to read:

156A.08 **PENALTIES.** Any person who shall willfully violate any lawful regulation, rule or order of the board, or who shall engage in the business of drilling or making water wells without first having obtained a license as in sections 156A.01 to 156A.08 required, or who shall engage in the business of exploratory boring without either being licensed in accordance with the provisions of this chapter, or being registered as a professional engineer or certified as a professional geologist, or who shall violate any provision of sections 156A.01 to 156A.08, shall be guilty of a misdemeanor. Any violation of sections 156A.01 to 156A.08 shall be prosecuted by the county attorney in the county in which the said violation occurred or is occurring, and the trial thereof shall be held in that county.

Sec. 10. **[156A.075] LOCAL CONTROL.** Nothing contained in this act shall be construed as limiting the lawful authority of local units of government to prohibit mineral exploration within their boundaries, require permits from explorers, or impose reasonable requirements and fees upon explorers, consistent with the provisions of this act, other state laws and rules promulgated thereunder.

Sec. 11. **STUDY.** The Minnesota environmental quality board shall review the adequacy of the state's regulatory framework applicable to uranium exploration and mining. Before March 1, 1981, the board shall forward its findings and recommendations on exploration to the appropriate standing committees in the house and senate. Before June 1, 1981, the board shall forward its findings and recommendations on mining to the appropriate standing committees in the house and senate. No state uranium lease shall be issued on state land for the purpose of uranium exploration or mining until the board has completed its review or until July 1, 1981, which ever is later.

Sec. 12. **EFFECTIVE DATE.** Section 8, subdivision 2, and section 9 are effective January 1, 1981. Except for section 8, subdivision 2, and section 9, this act is effective May 1, 1980.

Approved April 11, 1980

CHAPTER 536—H.F.No. 1603

An act relating to welfare; clarifying certain provisions of the general assistance medical care program; establishing an earned income disregard work incentive in the

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