

## CHAPTER 512—H. F. No. 1211

[Coded]

*An act relating to the displacement of underground waters by the underground storage of gas or liquids under pressure.*

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

**Section 1. [84.57] Underground waters, displacement by underground storage of gas or liquid under pressure.** It shall be unlawful for the state, any person, partnership, association, private or public corporation, county municipality or other political subdivision of the state to displace any underground waters of this state whether in consolidated or unconsolidated formations by the underground storage of any gas or liquid under pressure without first having secured a permit therefor from the commissioner of conservation.

**Sec. 2. [84.58] Permit for underground storage.** [Subdivision 1.] **Application.** Application for said permit shall be made to the commissioner of conservation in writing on a form prescribed by the commissioner accompanied by maps, plans and specifications describing the proposed displacement of underground waters and the underground storage of gases or liquids and such other data as the commissioner may require.

**Sec. 3. [Subd. 2.] Public hearing.** No permit for the displacement of underground waters shall be issued by the commissioner without first having held a public hearing thereon.

**Sec. 4. [Subd. 3.] Time of hearing.** Within 20 days after the receipt of the application together with all data requested by him the commissioner shall fix a time and place for a hearing thereon.

**Sec. 5. [Subd. 4.] Notice of hearing.** Notice of hearing on any application shall recite the date, place and time fixed by the commissioner for the public hearing thereon and the notice shall show the location of waters and property affected and be published by the applicant, or by the commissioner if the proceeding is initiated by him, once each week for two successive weeks in a legal newspaper published in the county in which a part or all of the affected waters are located. Notice shall also be mailed by the commissioner to the county auditor and the chief executive official of any municipality affected.

**Sec. 6. [Subd. 5.] Procedure at hearing.** The hearing shall be public and shall be conducted by the commissioner or a referee appointed by him. All affected persons shall have

an opportunity to be heard. All testimony shall be taken under oath and the right of cross-examination shall be accorded. The commissioner shall provide a stenographer to take testimony and a record of the testimony and all proceedings at the hearing shall be taken and preserved. The commissioner shall not be bound by judicial rules of evidence or of pleading and procedure.

Sec. 7. [Subd. 6.] **Witnesses, subpoenas.** The commissioner may subpoena and compel the attendance of witnesses and the production of all books and documents material to the purposes of the hearing. Disobedience of every such subpoena, or refusal to be sworn, or to answer as a witness, shall be punishable as a contempt in like manner as a contempt of the district court on complaint of the commissioner before the district court of the county where such disobedience or refusal occurred.

Sec. 8. [84.59] **Appeals to district court from determination of commissioner of conservation.** Any party in interest may appeal from the determination of the commissioner to the district court of the county in which the project is wholly or partly located in accordance with the provisions of Minnesota Statutes 1949, Section 105.47 insofar as the provisions thereof are applicable and may appeal to the supreme court as provided in said section.

Sec. 9. [84.60] **Order granting permit; findings, restrictions.** No order granting a permit for the proposed storage shall be issued unless it shall contain and be based on the following findings:

(1) The proposed storage will be confined to geological stratum or strata lying more than 500 feet below the surface of the soil;

(2) The proposed storage will not substantially impair or pollute any water resources;

(3) That the public convenience and necessity of a substantial portion of the gas consuming public in the state will be served by such undertaking; and unless said order shall contain conditions and restrictions which will reasonably protect;

(a) Private property or any interest not appropriated;

(b) The rights of the owners of lands, or of owners of any interests in said lands, lying within the boundaries of said proposed storage area, or those claiming under said owners, to explore for, drill for, produce or develop for the recovery of oil or gas or

minerals under said lands, or to drill wells on said lands for the development and the production of water; provided, that such exploration, drilling, producing or developing shall comply with orders, rules and regulations of the commissioner issued for the purpose of protecting underground storage strata or formations against pollution and against the escape of gas therefrom; and

- (c) Any public resources of the state which may be adversely affected by such use.

Sec. 10. [84.61] **Damages, payment.** The commissioner may, in such order or permit, require such corporation to demonstrate to the commissioner that said corporation has adequately provided a method to insure payment of any damage resulting from the operation of the gas or liquid storage reservoir.

Sec. 11. [84.62] **Storage reservoir.** No use shall be made of said gas or liquid storage reservoir by the applicant unless and until the right to use the property involved in said project has been filed with the commissioner of conservation and a certificate of use issued by him.

Approved April 21, 1953.

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#### CHAPTER 513—H. F. No. 1216

*An act relating to the power of the county board to alter and improve state aid and county aid roads and to acquire lands therefor; amending Minnesota Statutes 1949, Section 160.44.*

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

Section 1. Minnesota Statutes 1949, Section 160.44, is amended to read:

**160.44 Easement, acquisition by county board.** *When the county board of any county shall determine that an easement upon and across additional lands is required for the purpose of altering or improving an existing state aid or county aid road, the board shall have and exercise power to acquire such easement for the county by purchase, gift or condemnation in accordance with the provisions of Minnesota Statutes 1949, Chapter 117.*

Approved April 21, 1953.

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