

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 3012**

(SENATE AUTHORS: TOMASSONI)

DATE	D-PG	OFFICIAL STATUS
03/21/2016	5154	Introduction and first reading Referred to Jobs, Agriculture and Rural Development
03/31/2016	5406a 5423	Comm report: To pass as amended Second reading

A bill for an act

relating to mining; modifying safety measures at abandoned mines; amending  
 Minnesota Statutes 2014, sections 180.03, subdivisions 2, 3, 4; 180.10.

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

Section 1. Minnesota Statutes 2014, section 180.03, subdivision 2, is amended to read:

Subd. 2. **Fences.** Except as described in subdivision 4, every person, firm, or corporation that is or has been engaged in the business of mining or removing iron ore, taconite, semitaconite or other minerals except sand, crushed rock, and gravel shall erect and maintain, as a minimum, a three strand wire fence along the outside perimeter of the excavation, open pit, or shaft of any mine in which mining operations have ceased for a period of six consecutive months or longer. Based upon local site conditions that may exist at shafts, caves, or open pits, the county mine inspector may require more secure fencing such as barbed wire or mesh fence, or may require barriers, appropriate signs, or any combination of the above, to reduce the possibility of accidental falls. ~~The county mine inspector may grant exemptions under subdivision 4.~~ Where mining operations have ceased and not resumed, the fence, barrier, signs, or combination of them required by this section shall be erected within two years from the date when the county mine inspector directs the erection of fences, barriers, signs, or combination of them.

Sec. 2. Minnesota Statutes 2014, section 180.03, subdivision 3, is amended to read:

Subd. 3. **Abandoned mines.** Except as described in subdivision 4, when a mine is idle or abandoned it is the duty of the inspector of mines to notify the person, firm, or corporation that is or has been engaged in the business of mining to erect and maintain around all the shafts, caves, and open pits of such mines a fence, barrier, appropriate signs,

2.1 or combination of them, suitable to warn of the presence of shafts, caves, or open pits and  
 2.2 reduce the possibility of accidentally falling into these shafts, caves, or open pits. If the  
 2.3 mine has been idled or abandoned, or if the person, firm, or corporation that has been  
 2.4 engaged in the business of mining no longer exists, the fee owner shall erect the fence,  
 2.5 barrier, or signs required by this section. If the fee owner fails to act, the county in which  
 2.6 the mining operation is located may, in addition to any other remedies available, abate  
 2.7 the nuisance by erecting the fence, barrier, or signs and assessing the costs and related  
 2.8 expenses pursuant to section 429.101.

2.9 Sec. 3. Minnesota Statutes 2014, section 180.03, subdivision 4, is amended to read:

2.10 Subd. 4. **Exemptions.** (a) Any excavation, cave, open or water-filled pit, or shaft, or  
 2.11 any portion thereof, is exempt from the requirements of this section:

2.12 (1) on property owned, leased, or administered by the Office of the Commissioner of  
 2.13 Iron Range Resources and Rehabilitation;

2.14 (2) for the construction, operation, maintenance, or administration of:

2.15 (i) grant-in-aid trails as defined in section 85.018;

2.16 (ii) any property owned or leased by a municipality, as defined in section 466.01,  
 2.17 subdivision 1, that is intended or permitted to be used as a park, as an open area for  
 2.18 recreational purposes, or for the provision of recreational services, including the creation  
 2.19 of trails or paths without artificial surfaces; and

2.20 (iii) any recreational use, as generally defined in section 604A.21, subdivisions 5  
 2.21 and 6, provided the use is administered by a municipality, as defined in section 466.01,  
 2.22 subdivision 1;

2.23 (3) for economic development pursuant to chapter 469; or

2.24 ~~Upon written application, (4) for property the county mine inspector may exempt~~  
 2.25 ~~from the requirements of subdivision 2, any abandoned excavation, open pit, or shaft~~  
 2.26 ~~which upon written application exempts, if the property is provided with fencing, barriers,~~  
 2.27 ~~appropriate signs, or combinations of them, in a manner that is reasonably similar to the~~  
 2.28 ~~standards in subdivision 2, or which in the inspector's judgment does not constitute a~~  
 2.29 ~~safety hazard.~~

2.30 (b) Where an exemption applies there shall be, at a minimum, appropriate signs  
 2.31 posted at each location of public access to the mining area warning of possible dangers  
 2.32 due to the presence of excavations, shafts, caves, or open or water-filled pits.

2.33 Sec. 4. Minnesota Statutes 2014, section 180.10, is amended to read:

2.34 **180.10 REMOVAL OF FENCE; GUARD.**

3.1 A worker, employee, or other person who opens, removes, or disturbs any fence,  
3.2 guard, barrier, sign, or rail required by section 180.03, and fails to close or replace or  
3.3 have the same closed or replaced again around or in front of any mine shaft, pit, chute,  
3.4 excavation, cave, or land liable to cave, injure, or destroy, whether by accident, injury, or  
3.5 damage results, either to the mine or those at work therein, or to any other person, shall be  
3.6 guilty of a misdemeanor. A worker, employee, or other person who, in regard to any fence,  
3.7 guard, barrier, sign, or rail, does any of the acts prohibited by section 609.52, commits theft  
3.8 of the fence, guard, barrier, sign, or rail may be sentenced as provided in section 609.52.