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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3042

02/11/2020 Authored by Wagenius, Morrison, Hornstein, Becker-Finn, Liebling and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to natural resources; modifying financial assurance requirements for
1.3 nonferrous permit to mine; amending Minnesota Statutes 2018, section 93.49.

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

1.5 Section 1. Minnesota Statutes 2018, section 93.49, is amended to read:

1.6 93.49 FINANCIAL ASSURANCE OF OPERATOR.

1.7 (a) The commissioner shall must require a bond or other security or other financial
1.8 assurance satisfactory to the commissioner from an operator. The commissioner shall must
1.9 review annually the extent of each operator's financial assurance under this section.

1.10 (b) The commissioner must require an operator of a nonferrous mining operation to have
1.11 financial assurance that ensures that there is a sufficient source of funds to be used by the
1.12 commissioner to cover the costs of:

1.13 (1) reclamation activities, including closure and postclosure maintenance;

1.14 (2) corrective actions if noncompliance with design and operating criteria in the permit
1.15 to mine occurs; and

1.16 (3) responding to a catastrophic mining event or failure, including costs of restoring,
1.17 repairing, and remediating damage resulting from the event or failure to:

1.18 (i) public lands, public facilities, and public services;

1.19 (ii) private property;

1.20 (iii) treaty rights to hunt, fish, and gather; and

2.1 (iv) the environment.

2.2 (c) The commissioner must receive certification by the commissioner of management
2.3 and budget that the financial assurance required under paragraph (b) is adequate and
2.4 executable as part of the requirements and annual review required under paragraph (a). The
2.5 commissioner of management and budget must certify to the commissioner that the financial
2.6 assurance has been reviewed and determined to be adequate and executable. The
2.7 commissioner of management and budget may have the financial assurance reviewed by
2.8 an entity outside of state government with expertise in the financial assurance provided.

2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.