

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 1190

(SENATE AUTHORS: MCEWEN)

DATE
02/02/2023

D-PG

Introduction and first reading
Referred to Environment, Climate, and Legacy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to mining; providing for denial and revocation of nonferrous mining permit,
1.3 license, or lease to bad actors; proposing coding for new law in Minnesota Statutes,
1.4 chapter 93.

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

1.6 Section 1. **[93.005] NONFERROUS ORE PERMITS, LICENSES, AND LEASES;**
1.7 **BAD ACTORS.**

1.8 Subdivision 1. Denying permit, license, or lease. (a) To protect the public health and
1.9 safety and the environment of the state, the commissioner of natural resources must not
1.10 issue, renew, assign, approve, modify, amend, or transfer a permit, license, or lease to mine
1.11 nonferrous ore under this chapter to an applicant that:

1.12 (1) in the last 15 years, has been convicted of violating a state, federal, Tribal, or foreign
1.13 law for the protection of the natural environment;

1.14 (2) is party to or the subject of a consent decree, consent agreement and final order,
1.15 stipulated penalty, administrative order on consent, or nonmonetary sanctions entered in
1.16 the last 15 years in connection with a civil administrative action or civil judicial action for
1.17 violating an environmental law or regulation;

1.18 (3) in the last 15 years, has been convicted of violating a state, federal, Tribal, or foreign
1.19 law against bribery or corruption, including but not limited to the federal Foreign Corrupt
1.20 Practices Act;

1.21 (4) in the last 15 years, has been caused to pay civil or administrative sanctions or fines
1.22 for noncompliance with environmental laws or regulations in excess of \$1,000,000;

2.1 (5) in the last 15 years, has entered into a settlement resolving claims of violating a state,
2.2 federal, Tribal, or foreign law against bribery or corruption, including but not limited to the
2.3 federal Foreign Corrupt Practices Act;

2.4 (6) is found by the commissioner to be a subsidiary, affiliate, or related party to a business
2.5 concern described under clauses (1) to (5);

2.6 (7) is found by the commissioner to have common ownership with a business concern
2.7 described under clauses (1) to (5);

2.8 (8) is found by the commissioner to hold, or previously to have held, a beneficial business
2.9 interest in a business concern that:

2.10 (i) is required to be listed on the applicant's disclosure statement under subdivision 2;
2.11 and

2.12 (ii) is a person described under clauses (1) to (5); or

2.13 (9) is found by the commissioner to employ as an officer or director a person described
2.14 under clauses (1) to (5).

2.15 (b) The commissioner must determine whether to deny an application according to
2.16 paragraph (a) no later than six months after a person submits a disclosure statement under
2.17 subdivision 2.

2.18 Subd. 2. **Disclosure statement.** (a) For purposes of enforcing subdivision 1, a person
2.19 submitting an application to obtain, renew, assign, modify, amend, or transfer a permit,
2.20 license, or lease to mine nonferrous ore must submit a disclosure statement according to
2.21 paragraph (b) to the commissioner when the application is submitted.

2.22 (b) A disclosure statement must include:

2.23 (1) in the case of an individual, the full name and business address of the individual;

2.24 (2) in the case of a business concern:

2.25 (i) the full name and business address of any officers, directors, partners, or key
2.26 employees of the business concern;

2.27 (ii) the full name and business address of all individuals or entities holding equity in or
2.28 debt liability of the business concern or, if the business concern is a publicly traded
2.29 corporation, all individuals or entities holding more than five percent of the equity in or
2.30 debt liability of the business concern; and

3.1 (iii) the full name and business address of any parent, subsidiary, or affiliate of the
3.2 business concern;

3.3 (3) the full name and business address of all officers, directors, or partners of any business
3.4 concern disclosed in the statement and the names and addresses of all individuals or entities
3.5 holding equity in or debt liability of any disclosed business concern or, if the business
3.6 concern is a publicly traded corporation, all individuals or entities holding more than five
3.7 percent of the equity in or debt liability of the business concern;

3.8 (4) a listing and explanation of any notice of violation or prosecution, administrative
3.9 order, or license or permit revocation that:

3.10 (i) was issued by a state, federal, Tribal, or foreign authority in the 15 years immediately
3.11 preceding submission of the disclosure statement against a person identified under clauses
3.12 (1) to (3) for violating an environmental law or the federal Foreign Corrupt Practices Act;
3.13 and

3.14 (ii) is pending at the time the disclosure statement is submitted or resulted in a finding,
3.15 consent decree, consent agreement and final order, stipulated penalty, administrative order
3.16 on consent, or other settlement;

3.17 (5) a listing and explanation of any civil administrative action or civil judicial action
3.18 that:

3.19 (i) occurred in the 15 years immediately preceding submission of the disclosure statement
3.20 against a person identified under clauses (1) to (3) for violating an environmental law or
3.21 the federal Foreign Corrupt Practices Act; and

3.22 (ii) is pending at the time the disclosure statement is submitted or resulted in a finding,
3.23 consent decree, consent agreement and final order, stipulated penalty, administrative order
3.24 on consent, or other settlement;

3.25 (6) a listing and explanation of any judgment of liability or conviction that was rendered
3.26 under a state, federal, Tribal, or foreign law or local ordinance for the protection of the
3.27 natural environment or under the federal Foreign Corrupt Practices Act against a person
3.28 identified under clauses (1) to (3);

3.29 (7) a listing and explanation of any civil or administrative sanctions or fines for
3.30 noncompliance with environmental laws and regulations levied against a person identified
3.31 under clauses (1) to (3) in the 15 years immediately preceding submission of the disclosure
3.32 statement, including the amount of each sanction or fine; and

4.1 (8) any other information the commissioner may require that relates to the competency,
4.2 reliability, or good character of the applicant.

4.3 (c) If any information required to be included in a disclosure statement changes after an
4.4 applicant submits a disclosure statement or if the commissioner requires additional
4.5 information after an applicant submits a disclosure statement, the applicant must provide
4.6 the information to the commissioner in writing no later than 30 days after the change or
4.7 addition.

4.8 Subd. 3. **Enforcement; public records.** (a) The commissioner must enforce subdivision
4.9 1 by examining the disclosure statements required under subdivision 2 and considering
4.10 publicly available information and by such other means, including record and field
4.11 investigations, as the commissioner considers necessary.

4.12 (b) A person that applies to obtain, renew, assign, modify, amend, or transfer a permit,
4.13 license, or lease to mine nonferrous ore under this chapter must, upon request of the
4.14 commissioner:

4.15 (1) furnish any information relating to the application and disclosure statement; and

4.16 (2) permit the commissioner at all reasonable times to have access to and to copy all
4.17 records relating to the application and disclosure statement.

4.18 (c) Except as provided under chapter 13, disclosure statements, records, and other
4.19 information obtained from a person under this section must be available to the public.

4.20 Subd. 4. **Revocation.** The commissioner may refuse to renew, modify, or amend or may
4.21 suspend or revoke a permit, license, or lease subject to subdivision 1, paragraph (a), of a
4.22 person that fails to disclose or falsely states any information required under subdivision 2.