

1.1 A bill for an act

1.2 relating to natural resources; specifying that money received from certain utility
1.3 permits be deposited in the permanent school fund; allowing exchanges of
1.4 riparian lands administered by the commissioner of natural resources for other
1.5 lands administered by the commissioner without certain restrictions; establishing
1.6 supplemental application and monitoring fees for utility easements; appropriating
1.7 money; amending Minnesota Statutes 2008, sections 84.415, subdivision 5, by
1.8 adding a subdivision; 94.342, subdivision 3.

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

1.10 Section 1. Minnesota Statutes 2008, section 84.415, subdivision 5, is amended to read:

1.11 Subd. 5. ~~Fee Fees; disposition.~~ (a) In the event the construction of such lines
1.12 causes damage to timber or other property of the state on or along the same, the license
1.13 or permit shall also provide for payment to the commissioner of finance of the amount
1.14 thereof of the damages as may be determined by the commissioner.

1.15 (b) The application fee specified in Minnesota Rules is credited to the general fund.

1.16 ~~All money received under such licenses or permits~~ (c) The utility crossing fees
1.17 specified in Minnesota Rules shall be credited to the fund to which other income or
1.18 proceeds of sale from such the land would be credited, if provision therefor be made as
1.19 provided by law, otherwise to the general fund.

1.20 (d) Money received from licenses and permits issued under this section for use of
1.21 the beds of navigable waters shall be credited to the permanent school fund.

1.22 (e) Money received under subdivision 6 must be deposited in the land management
1.23 account in the natural resources fund, and is appropriated to the commissioner of natural
1.24 resources to cover the costs incurred for issuing and monitoring utility licenses.

2.1 Sec. 2. Minnesota Statutes 2008, section 84.415, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 6. **Supplemental application fee and monitoring fee.** (a) In addition to the
2.4 application fee and utility crossing fees specified in Minnesota Rules, the commissioner of
2.5 natural resources shall assess the applicant for a utility license the following fees:

2.6 (1) a supplemental application fee of \$1,500 for a public water crossing license and
2.7 a supplemental application fee of \$4,500 for a public lands crossing license, to cover
2.8 reasonable costs for reviewing the application and preparing the license; and

2.9 (2) a monitoring fee to cover the projected reasonable costs for monitoring the
2.10 construction of the utility line and preparing special terms and conditions of the license
2.11 to ensure proper construction. The commissioner must give the applicant an estimate of
2.12 the monitoring fee before the applicant submits the fee.

2.13 (b) The applicant shall pay fees under this subdivision to the commissioner of
2.14 natural resources. The commissioner shall not issue the license until the applicant has
2.15 paid all fees in full.

2.16 (c) Upon completion of construction, the commissioner shall refund any remaining
2.17 balance left between the fee assessed for monitoring and the amount used by the
2.18 commissioner in monitoring the construction of the utility line. The commissioner shall
2.19 not return the application fees, even if the application is withdrawn or denied.

2.20 Sec. 3. Minnesota Statutes 2008, section 94.342, subdivision 3, is amended to read:

2.21 Subd. 3. **Additional restrictions on riparian land.** (a) Land bordering on or
2.22 adjacent to any meandered or other public waters and withdrawn from sale by law is
2.23 riparian land. Riparian land may not be given in exchange unless:

2.24 (1) expressly authorized by the legislature ~~or unless;~~

2.25 (2) through the same exchange the state acquires land on the same or other public
2.26 waters in the same general vicinity affording at least equal opportunity for access to the
2.27 waters and other riparian use by the public;

2.28 (3) Class A land is being exchanged for Class A land; or

2.29 ~~provided, that any~~ (4) the exchange with is an agency of the United States or any
2.30 ~~agency thereof may be made free from this limitation upon condition that~~ and the state
2.31 land given in exchange bordering on public waters shall be subject to reservations by
2.32 the state for public travel along the shores as provided by section 92.45, unless waived
2.33 as provided in ~~this subdivision~~ paragraph (b), and that there shall be reserved by the
2.34 state ~~such~~ additional rights of public use upon suitable portions of ~~such~~ state land as
2.35 the commissioner of natural resources, with the approval of the Land Exchange Board,

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3.1 may deem necessary or desirable for camping, hunting, fishing, access to the water, and
3.2 other public uses.

3.3 ~~In regard to~~ (b) For Class B or riparian land that is contained within that portion
3.4 of the Superior National Forest that is designated as the Boundary Waters Canoe Area
3.5 Wilderness, the condition that state land given in exchange bordering on public waters
3.6 must be subject to the public travel reservations provided in section 92.45, may be waived
3.7 by the Land Exchange Board upon the recommendation of the commissioner of natural
3.8 resources and, if the land is Class B land, the additional recommendation of the county
3.9 board in which the land is located.