

## CHAPTER 264 — H.F.No. 1256

*An act relating to natural resources; altering certain provisions regarding water permit and annual water appropriation processing fees; amending Minnesota Statutes 1984, sections 104.03, by adding a subdivision; 105.41, subdivision 5; and 105.44, subdivision 10.*

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

Section 1. Minnesota Statutes 1984, section 104.03, is amended by adding a subdivision to read:

**Subd. 2a. AMUSEMENT PARKS IN FLOOD PLAINS.** Amusement parks that exist before a flood plain is delineated under section 104.03 are exempt from the requirements of sections 104.03 to 104.07 if the amusement park continues to be used as an amusement park within the amusement park boundaries. Notwithstanding any other law, the state is not liable for any damage from flooding to an amusement park operating in a flood plain under this subdivision.

Sec. 2. Minnesota Statutes 1984, section 105.41, subdivision 5, is amended to read:

Subd. 5. Records of the amount of water appropriated or used shall be recorded for each such installation and such readings and the total amount of water appropriated shall be reported annually to the commissioner of natural resources on or before February 15 of the following year upon forms to be supplied by the commissioner.

The records shall be submitted with an annual water appropriation processing fee in the amount established in accordance with the following schedule of fees for each water appropriation permit in force at any time during the year: (a) irrigation permits, ~~\$10~~ \$15 for each ~~the first~~ permitted ~~40~~ 160 acres or portion thereof, and \$25 for each additional permitted 160 acres or portion thereof; (b) for nonirrigation permits, ~~\$5~~ for each ten million gallons or portion thereof permitted each year, ~~but not to~~. However, in no case shall the fee exceed a total fee of \$250 \$500 per permit. The fee is payable regardless of the amount of water appropriated during the year. Failure to pay the fee is sufficient cause for revoking a permit. No fee may be imposed on any state agency, as defined in section 16B.01, or federal governmental agency holding a water appropriation permit.

Sec. 3. Minnesota Statutes 1984, section 105.44, subdivision 10, is amended to read:

Subd. 10. **PERMIT FEES.** Each application for a permit authorized by sections 105.37 to 105.64, and each request to amend or transfer an existing permit, shall be accompanied by a permit application fee in the amount of \$30 to defray the costs of receiving, recording, and processing the application or request to amend or transfer. The commissioner may charge an additional permit

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application fee in excess of the fee specified above, but not to exceed \$250 for each application, in accordance with a schedule of fees adopted by rules promulgated in the manner provided by section 16A.128, ~~which fee schedule shall be based upon the project's costs and the complexity of the permit applied for.~~

For projects requiring a mandatory environmental assessment pursuant to chapter 116D, projects undertaken without a permit or application as required by sections 105.37 to 105.64, and projects undertaken in excess of limitations established in an issued permit, the commissioner may charge an additional field inspection fee of not less than \$25 nor more than \$750 to cover actual costs for each permit applied for under sections 105.37 to 105.64 and for each project undertaken without proper authorization. The commissioner shall establish pursuant to rules adopted in the manner provided by section 16A.128, a schedule for field inspection fees which shall include actual costs related to field inspection such as investigations of the area affected by the proposed activity, analysis of the proposed activity, consultant services, and subsequent monitoring, if any, of the activity authorized by the permit.

Except as provided below, the commissioner may not issue a permit until all fees required by this section relating to the issuance of a permit have been paid. The time limits prescribed by subdivision 4, do not apply to an application for which the appropriate fee has not been paid. Field inspection fees relating to monitoring of an activity authorized by a permit may be charged and collected as necessary at any time after the issuance of the permit. No permit application or field inspection fee may be refunded for any reason, even if the application is denied or withdrawn. No permit application or field inspection fee may be imposed on any state agency, as defined in section 16B.01, or federal governmental agency applying for a permit.

Approved May 30, 1985

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#### CHAPTER 265 — S.F.No. 1362

*An act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws affected; expanding the mandatory free distribution of Minnesota Rules; amending Minnesota Statutes 1984, section 14.47, subdivision 8; chapters 35; 37; 92; 219; 315; 344; 390; 458; 589; 629; and 631; Laws 1959, chapter 699, section 4; Laws 1961, chapter 545, section 1; Laws 1963, chapters 254, section 1; and 827, section 1; Laws 1965, chapter 344, as amended; Laws 1967, chapter 541, section 1, as amended; Laws 1971, extra session, chapter 35, sections 7, 8, and 9; Laws 1974, chapter 218; Laws 1975, chapter 326, section 1; Laws 1976, chapter 234, section 3, as amended; Laws 1979, chapters 269, section 1; and 303, article 10, section 16; Laws 1980,*

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