

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 1351

(SENATE AUTHORS: GOGGIN)

DATE	D-PG	OFFICIAL STATUS
02/23/2017	760	Introduction and first reading
		Referred to Environment and Natural Resources Policy and Legacy Finance
03/15/2017	1491	Withdrawn and re-referred to Environment and Natural Resources Finance

1.1 A bill for an act

1.2 relating to water; prohibiting recording of restoration or replacement orders under

1.3 certain conditions; amending Minnesota Statutes 2016, section 103G.2372,

1.4 subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2016, section 103G.2372, subdivision 1, is amended to

1.7 read:

1.8 Subdivision 1. **Authority; orders.** (a) The commissioner of natural resources,

1.9 conservation officers, and peace officers shall enforce laws preserving and protecting

1.10 groundwater quantity, wetlands, and public waters. The commissioner of natural resources,

1.11 a conservation officer, or a peace officer may issue a cease and desist order to stop any

1.12 illegal activity adversely affecting groundwater quantity, a wetland, or public waters.

1.13 (b) In the order, or by separate order, the commissioner, conservation officer, or peace

1.14 officer may require restoration or replacement of the wetland or public waters, as determined

1.15 by the local soil and water conservation district for wetlands and the commissioner of natural

1.16 resources for public waters. Restoration or replacement orders may be recorded or filed in

1.17 the office of the county recorder or registrar of titles, as appropriate, in the county where

1.18 the real property is located by the commissioner of natural resources, conservation officers,

1.19 or peace officers as a deed restriction on the property that runs with the land and is binding

1.20 on the owners, successors, and assigns until the conditions of the order are met or the order

1.21 is rescinded. Notwithstanding section 386.77, the agency shall pay the applicable filing fee

1.22 for any document filed under this section.

2.1 (c) If a court has ruled that there has been no violation of the restoration or replacement
2.2 order, an order may not be recorded or filed under this section.

2.3 (d) If an order was recorded or filed before the effective date of this section and the deed
2.4 restriction would have been in violation of paragraph (c), the commissioner must remove
2.5 the deed restriction if the owner of the property requests the commissioner to remove it.

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