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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **3279**

February 20, 2008

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

1.1 A bill for an act
1.2 relating to waters; allowing local government units to draft wetland restoration
1.3 orders; directing the Board of Water and Soil Resources to amend rules;
1.4 amending Minnesota Statutes 2006, section 103G.2372, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2006, section 103G.2372, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. ~~Commissioner of natural resources~~ Cease and desist orders;
1.9 restoration or replacement orders. (a) The commissioner of natural resources,
1.10 conservation officers, and peace officers shall enforce laws preserving and protecting
1.11 groundwater quantity, wetlands, and public waters. The commissioner of natural resources,
1.12 a conservation officer, or a peace officer may issue a cease and desist order to stop any
1.13 illegal activity adversely affecting groundwater quantity, a wetland, or public waters.

1.14 (b) In the order, or by separate order, the commissioner, conservation officer, or
1.15 peace officer may require restoration or replacement of the wetland or public waters,
1.16 as determined by the local soil and water conservation district for wetlands and the
1.17 commissioner of natural resources for public waters. The local government unit with
1.18 jurisdiction over a wetland may inspect the site and draft a restoration or replacement order
1.19 for review by the local soil and water conservation district. Restoration or replacement
1.20 orders may be recorded or filed in the office of the county recorder or registrar of titles, as
1.21 appropriate, in the county where the real property is located by the commissioner of natural
1.22 resources, conservation officers, or peace officers as a deed restriction on the property
1.23 that runs with the land and is binding on the owners, successors, and assigns until the

2.1 conditions of the order are met or the order is rescinded. Notwithstanding section 386.77,
2.2 the agency shall pay the applicable filing fee for any document filed under this section.

2.3 **Sec. 2. AMENDMENT OF RULES; GOOD CAUSE EXEMPTION.**

2.4 The Board of Water and Soil Resources must amend Minnesota Rules, part
2.5 8420.0290, subpart 3, to conform with the change in section 1. The board must amend
2.6 the rules using the good cause exemption under Minnesota Statutes, section 14.388,
2.7 subdivision 1, clause (3). Minnesota Statutes, section 14.386, does not apply except as
2.8 provided under Minnesota Statutes, section 14.388.

2.9 **Sec. 3. EFFECTIVE DATE.**

2.10 Sections 1 and 2 are effective the day following final enactment.