

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

S.F. No. 1789

(SENATE AUTHORS: WESTROM)

DATE
03/04/2021

D-PG

OFFICIAL STATUS
Introduction and first reading
Referred to Environment and Natural Resources Finance

1.1 A bill for an act
1.2 relating to water; allowing appeals of determinations of ordinary high-water levels;
1.3 amending Minnesota Statutes 2020, section 103G.401; proposing coding for new
1.4 law in Minnesota Statutes, chapter 103G.

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

1.6 Section 1. Minnesota Statutes 2020, section 103G.401, is amended to read:

1.7 **103G.401 APPLICATION TO ESTABLISH LAKE LEVELS.**

1.8 (a) Applications for authority to establish and maintain levels of public waters and
1.9 applications to establish the natural ordinary high-water level of public waters may be made
1.10 to the commissioner by a public body or authority or by a majority of the riparian owners
1.11 on the public waters.

1.12 (b) To conserve or utilize the water resources of the state, the commissioner may initiate
1.13 proceedings to establish and maintain the level of public waters.

1.14 (c) When establishing an ordinary high-water level, the commissioner must establish
1.15 the ordinary high-water level by order and provide written notice of the order to adjacent
1.16 landowners and the local units of government where the public water is located.

1.17 **Sec. 2. [103G.413] APPEAL OF ORDER ESTABLISHING ORDINARY**
1.18 **HIGH-WATER LEVEL.**

1.19 Subdivision 1. **Petition.** A person or local unit of government affected by a
1.20 commissioner's order establishing an ordinary high-water level may file a petition for review
1.21 of the order. The petition must be filed within 60 days of the order and include reasons why
1.22 the order should be reviewed.

2.1 Subd. 2. **Review.** If a person or local unit of government files a petition under this section,
2.2 the commissioner must review the petition within 60 days of the request and make a final
2.3 decision. If the commissioner fails to make a final decision within 60 days of the request,
2.4 the order is void.

2.5 Subd. 3. **Hearing.** A person or local unit of government aggrieved by the final decision
2.6 of the commissioner may file a written request with the commissioner within 30 days for a
2.7 contested case hearing under chapter 14.

2.8 **Sec. 3. EFFECTIVE DATE.**

2.9 Sections 1 and 2 are effective retroactively from January 1, 2018.