

House Research Act Summary

CHAPTER: 4

SESSION: 2013 Regular Session

TOPIC: Drainage

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Date: May 29, 2013

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Overview

This act includes changes to the state's Drainage Law being recommended by the Drainage Work Group. The Drainage Work Group is a group of drainage stakeholders, facilitated by the Board of Water and Soil Resources (BWSR).

Section

- 1** **Board.** Amends § 103E.005, subd. 4. Amends the definition of the term “board” for purposes of drainage law to include a joint county board, the board of managers of a watershed district, or a watershed management organization to provide clarification of roles when those entities are acting as drainage authorities.
- 2** **Director.** Amends § 103E.005, subd. 6. Technical.
- 3** **Secretary.** Adds § 103E.005, subd. 28a. Defines “secretary” as the secretary of a watershed district in order to clarify duties of a watershed district secretary when a watershed district is acting as the drainage authority.
- 4** **Record requirements.** Amends § 103E.101, subd. 2. Removes a requirement that drainage records, including maps, profiles, plans, and specification, be “bound” and updates an obsolete reference to the Division of Waters within the Department of Natural Resources.
- 5** **Index of proceedings and records.** Amends § 103E.101, subd. 3. Clarifies the record keeping and other duties of the secretary of a watershed district when the district is acting as a drainage authority.
- 6** **Engineer's documents.** Amends § 103E.101, subd. 4. Clarifies that public drainage records are to be filed with the secretary of a watershed district when the district is acting as a drainage authority.

Section

- 7 Reestablishment of drainage system records.** Adds § 103E.101, subd. 7. Allows a drainage authority to reestablish drainage system records when the records have become lost, destroyed, or are otherwise incomplete. Requires the reestablishment to involve an examination and report by a licensed engineer that is supported by existing records and evidence and requires the existing and reestablished records to define the alignment, cross-section, profile, hydraulic structure locations, materials, dimensions and elevations, and right-of-way of the system. States that records reestablished under this subdivision do not interrupt prescriptive occupation. States that a description of the system under this subdivision may be initiated by the drainage authority or by the filing of a petition by an affected party and specifies where the petition is to be filed. Requires the drainage authority to hold a hearing and provides direction on who must be notified and how. States that records reestablished under this subdivision constitute official drainage system records.
- 8 Filing and storage facilities.** Amends § 103E.101, subd. 5. Clarifies that watershed districts acting as drainage authorities are to provide the necessary filing and storage facilities to protect drainage records and may copy and file the records as necessary and authenticate copies as originals.
- 9 Transfer of drainage system records.** Adds § 103E.101, subd. 5a. Requires a county or joint county board to transfer drainage system records to a watershed district when the watershed district assumes authority for the system. Allows copies to be used by the watershed district until the district has the necessary facilities to store them.
- 10 Petition.** Amends § 103E.227, subd. 1. Clarifies that wetland or water quality enhancing elements may be purposes of a petition to impound, reroute, or divert drainage system waters.
- 11 Hydraulic capacity.** Amends § 103E.525, subd. 1. Technical.
- 12 Definition.** Amends § 103E.701, subd. 1. Amends the definition of “repair” to mean restoring a drainage system (or part of a system) to the same “hydraulic capacity” instead of “condition” (as stated in current law) to allow greater flexibility, such as the use of a multistage ditch, when making repairs.
- 13 Wetland restoration and replacement; water quality protection and improvement.** Amends § 103E.701, subd. 6. Clarifies that channel erosion reduction measures and other water quality improvement measures may be incorporated into drainage system repair projects.
- 14 Repair by resloping ditches, incorporating multistage ditch cross-section, leveling spoil banks, installing erosion control, or removing trees.** Amends § 103E.715, subd. 6. Adds the incorporation of a multistage ditch to the list of repairs that, in some circumstances, require the appointment of viewers. Modifies the conditions that require the appointment of viewers.