



Drainage Work Group recommendations carried in HF66

May 2013 Snapshots

The stakeholder Drainage Work Group (DWG) had a significant success relatively early during the 2013 legislative session when both the House and Senate unanimously passed HF66, which carried the 2012 consensus recommendations of the group to update Minnesota drainage laws. The Legislature passed HF66 on Mar. 13 and Governor Dayton signed the bill into law the next day, making it the 4th bill to pass during the 2013 session.

The updates to Chapter 103E include:

- Establishing a clear process for drainage authorities (primarily counties and watershed districts) to reestablish drainage system records that have been lost, destroyed or are otherwise incomplete;
- Clarifying transfer of drainage system records between a county and a watershed district when drainage authority is transferred, in accordance with M.S. Chapter 103D Watershed Districts, which includes enabling an official copy when both need associated drainage system records;
- Clarifying authority for wetland and water quality improvement elements in projects implemented under Section 103E.227 Impoundment and Section 103E.701 Repairs;
- Enabling a multi-stage ditch cross-section for petitioned repairs, and correct text in Section 103E.715, Subd. 6; and
- Updating and adding several definitions.

“We are happy that the Legislature and Governor recognized the value of the DWG recommendations and passed them into law unanimously,” said Al Kean, Board of Water and Soil Resources (BWSR) Chief Engineer and DWG facilitator.

Since 2006, the DWG has provided a forum for a diverse group of stakeholders to discuss drainage issues, share current knowledge, and vet ideas about policy to find consensus, particularly regarding updates to state drainage law. DWG members include drainage authorities, agricultural and environmental groups, various associations, state agency representatives and legislative staff. [A membership list](#) can be found on BWSR’s website.

Although finding consensus regarding statute language and other drainage related provisions can be challenging, the group and its stakeholder consensus process have enabled statute updates that may have otherwise been very difficult to achieve during the legislative process.

“The 2012 recommendations were the third “batch” of recommendations from the DWG to be adopted by the Legislature,” Kean said. “Previous recommendations were put forth to the Legislature in 2006 and 2009 and were adopted with very few modifications, including providing BWSR clear authority for drainage stakeholder coordination.”

The DWG also serves as a forum for sharing pertinent science, as well as conservation practice and program information. In 2012, the DWG provided a forum for coordination of federal (USDA - Natural Resources Conservation Service) and state (BWSR Conservation Drainage Management Program) conservation practice standards, delivery system and funding for Drainage Water Management initiatives. These federal and state initiatives are currently in effect to help integrate water quality protection with the rapidly expanding agricultural tiling in Minnesota.

Several other bills were introduced during the 2013 session that involved drainage law or drainage issues and may become topics of further discussion for the DWG in the coming year, depending on the outcome of the bills.