

# Chapter 24

2019 Regular Session

Subject Drainage

Analyst Janelle Taylor

Date July 7, 2020

## Overview

This act modifies the Agricultural Best Management Practices Loan Program and public drainage law as recommended by the Drainage Work Group, including the establishment of a new option for apportioning drainage system repair costs.

The Drainage Work Group was established in 2006 and consists of various drainage stakeholders, including members representing drainage authorities, drainage attorneys and engineers, agricultural and environmental organizations, state agencies, and others. The group develops consensus recommendations for drainage system management and related water management.

## Summary

Section	Description
1	<b>Loan issued to borrowers.</b> Removes the \$200,000 cap on loans made for projects under the agricultural best management practices loan program. The individual borrower cap of \$200,000 would still apply.
2	<b>Incremental establishment; vegetation buffer strips and side inlet controls.</b> Authorizes a drainage authority to make findings and order establishment of permanent buffer strips of perennial vegetation, side inlet controls, or both, adjacent to a public drainage ditch. Provides that the drainage authority's finding that these practices are necessary is sufficient to confer jurisdiction to the authority.
3	<b>County attorney.</b> Provides that a county without a county attorney may hire any competent attorney to represent the county in all drainage proceedings.
4	<b>Conditions to redetermine benefits and damages; appointing viewers.</b> Allows more than 26 percent of benefited/damaged landowners, or owners of 26 percent of the benefited/damaged lands, to petition for a redetermination of benefits.

Section	Description
5	<p><b>Hearing and procedure.</b></p> <p>Removes a provision requiring final redetermination of benefit hearings to be held within 30 days of the mailing of the property owners' report.</p>
6	<p><b>Using redetermined benefits and damages.</b></p> <p>Conforming change.</p>
7	<p><b>Apportioning repair costs; alternative option.</b></p> <p><b>Subd. 1. Option.</b> Allows a drainage authority to apportion repair costs on property contributing runoff to the drainage system using a new option using the relative runoff and relative sediment delivery from the property as provided in the next subdivision.</p> <p><b>Subd. 2. Report to apportion repair costs.</b> Establishes a process and requirements for determining the relative runoff and relative sediment delivery, including requiring a cost apportionment report to be prepared and specifying the qualifications of those putting together the report.</p> <p><b>Subd. 3. Hearing on report.</b> Requires the drainage authority to hold a hearing on the report and establishes notification and other requirements for the hearing. Allows the drainage authority to amend the report or require further consideration by the report preparer when the authority determines the apportionment of costs is inequitable.</p> <p><b>Subd. 4. Findings; approval.</b> Requires the drainage authority to make findings and approve the report and apportion the repair costs consistent with the report if the drainage authority finds them equitable based on certain factors.</p> <p><b>Subd. 5. Report updates.</b> Allows the drainage authority to continue to use the report to apportion costs. Allows a landowner to request the drainage authority to update the report based on changed land use and provides a process that must be followed for doing so.</p> <p><b>Subd. 6. Conservation lands.</b> Requires proper consideration to be given to certain property that is used for conservation purposes.</p> <p><b>Subd. 7. Appeals.</b> Allows a landowner to appeal the findings of a drainage authority under this section.</p> <p><b>Subd. 8. Definitions.</b> Defines "relative runoff" and "relative sediment delivery" for purposes of the new repair cost apportionment option.</p> <p><b>Subd. 9. Sunset.</b> States that the section expires July 31, 2024.</p>



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155