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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3956

04/21/2016 Authored by Hansen

The bill was read for the first time and referred to the Committee on Agriculture Policy

1.1 A bill for an act  
1.2 relating to natural resources; establishing requirements for installing surface  
1.3 or subsurface drainage on agricultural land; proposing coding for new law in  
1.4 Minnesota Statutes, chapter 103G.

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

1.6 Section 1. **[103G.2225] SURFACE AND SUBSURFACE DRAINAGE OF**  
1.7 **AGRICULTURAL LAND REQUIREMENTS; ADEQUACY OF OUTLET.**

1.8 (a) Before installing surface or subsurface drainage on agricultural land, a person  
1.9 must have received from the local government unit:

1.10 (1) a wetland replacement plan;

1.11 (2) a no-loss determination; or

1.12 (3) an exemption determination.

1.13 (b) Before issuing a plan or determination under paragraph (a), the local government  
1.14 unit must determine whether an adequate outlet exists for the proposed surface or  
1.15 subsurface drainage. If water from the installation of surface or subsurface drainage on  
1.16 agricultural land will flow on to land owned by another person, the person owning the  
1.17 agricultural land on which the surface or subsurface drainage is being installed must  
1.18 acquire a flowage easement from the person who owns the overflowed land. If an adequate  
1.19 outlet does not exist, the local government unit must not issue the plan or determination.