

JAN 26 1990

Place On Calendar

HOUSE FILE 2199

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 555)

Passed House, Date 2-2-90 (p. 285) Passed Senate, Date 3/13/90 (p. 1019)

Vote: Ayes 85 Nays 0 Vote: Ayes 47 Nays 0

Approved March 23, 1990

A BILL FOR

1 An Act relating to agricultural drainage wells and providing an
2 effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2199

1 Section 1. Section 159.29, subsection 2, unnumbered
2 paragraph 1, Code 1989, is amended to read as follows:

3 An owner of an agricultural drainage well and a landholder
4 whose land is drained by the well or wells of another person
5 shall develop, in consultation with the department of
6 agriculture and land stewardship and the department of natural
7 resources, a plan which proposes alternatives to the use of
8 agricultural drainage wells by July 1, ~~1991~~ 1994.

9 Sec. 2. Section 159.29, subsection 2, paragraph b, Code
10 1989, is amended to read as follows:

11 b. An owner of an agricultural drainage well and a
12 landholder whose land is drained by the well or wells of
13 another person shall not be eligible for financial incentive
14 moneys pursuant to paragraph "a" if the owner fails to
15 register the well with the department of natural resources by
16 ~~January~~ September 30, 1988, or if the owner fails to develop
17 a plan for alternatives in cooperation with the department of
18 agriculture and land stewardship and the department of natural
19 resources.

20 Sec. 3. Section 159.29, subsection 7, Code 1989, is
21 amended to read as follows:

22 7. Beginning July 1, ~~1990~~ 1993, the department shall
23 initiate an ongoing program to meet the goal of eliminating
24 chemical contamination caused by the use of agricultural
25 drainage wells by January 1, 1995, based upon the findings of
26 the report published pursuant to subsection 6.

27 Sec. 4. Section 159.29, subsection 8, paragraph c, Code
28 1989, is amended to read as follows:

29 c. The owner submits a written statement that approved
30 emergency repairs are necessary and do not constitute a basis
31 to avoid the eventual closure of the well if closure is later
32 determined to be required. If a county board of supervisors
33 or the board's designee approves the emergency repair of an
34 agricultural drainage well, the county board of supervisors or
35 the board's designee shall notify the department of natural

1 resources of the approval within thirty days of the approval.

2 Sec. 5.

3 This Act, being deemed of immediate importance, takes
4 effect upon enactment.

5 EXPLANATION

6 This bill extends the time for owners of agricultural land
7 to comply with requirements relating to agricultural drainage
8 wells set forth in section 159.29, including the development
9 of certain plans and registration of wells with the department
10 of natural resources. The bill changes a date for registering
11 agricultural drainage wells to September 30, 1988. The date
12 change makes the provision consistent with existing law. The
13 time is also extended for the department of agriculture and
14 land stewardship to initiate a program to eliminate
15 contamination caused by agricultural drainage wells. The bill
16 requires that notice by a county board of supervisors of an
17 approved repair of an agricultural drainage well be submitted
18 to the department of natural resources rather than the
19 department of agriculture and land stewardship. The bill
20 takes effect upon enactment.

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NSB 555

MWB

Agriculture

HOUSE FILE 2199

BY (PROPOSED DEPARTMENT OF
AGRICULTURE AND LAND
STEWARDSHIP BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to agricultural drainage wells and providing an
2 effective date.

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2 paragraph 1, Code 1989, is amended to read as follows:

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4 whose land is drained by the well or wells of another person
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8 agricultural drainage wells by July 1, ~~1991~~ 1994.

9 Sec. 2. Section 159.29, subsection 2, paragraph b, Code
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12 landholder whose land is drained by the well or wells of
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15 register the well with the department of natural resources by
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18 agriculture and land stewardship and the department of natural
19 resources.

20 Sec. 3. Section 159.29, subsection 7, Code 1989, is
21 amended to read as follows:

22 7. Beginning July 1, ~~1990~~ 1993, the department shall
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24 chemical contamination caused by the use of agricultural
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27 Sec. 4. Section 159.29, subsection 8, paragraph c, Code
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29 c. The owner submits a written statement that approved
30 emergency repairs are necessary and do not constitute a basis
31 to avoid the eventual closure of the well if closure is later
32 determined to be required. If a county board of supervisors
33 or the board's designee approves the emergency repair of an
34 agricultural drainage well, the county board of supervisors or
35 the board's designee shall notify the department of natural

1 resources of the approval within thirty days of the approval.

2 Sec. 5. This Act, being deemed of immediate importance,
3 takes effect upon enactment.

4 EXPLANATION

5 This bill extends the time for owners of agricultural land
6 to comply with requirements relating to agricultural drainage
7 wells set forth in section 159.29, including the development
8 of certain plans and registration of wells with the department
9 of natural resources. The bill changes a date for registering
10 agricultural drainage wells to September 30, 1988. The date
11 change makes the provision consistent with existing law. The
12 time is also extended for the department of agriculture and
13 land stewardship to initiate a program to eliminate
14 contamination caused by agricultural drainage wells. The bill
15 requires that notice by a county board of supervisors of an
16 approved repair of an agricultural drainage well be submitted
17 to the department of natural resources rather than the
18 department of agriculture and land stewardship. The bill
19 takes effect upon enactment.

20 BACKGROUND STATEMENT

21 SUBMITTED BY THE AGENCY

22 Section 159.29 provides for registration of agricultural
23 drainage wells with the department of natural resources and
24 establishes an agricultural drainage well program in the
25 department of agriculture and land stewardship.

26 In section 159.29 the department of agriculture and land
27 stewardship is directed to establish a research and
28 demonstration project, the findings of which are to be used to
29 develop alternative management practices, the establishment of
30 a priority system, and to provide the basis for an ongoing
31 program for the purpose of meeting the goal of eliminating
32 chemical contamination caused by agricultural drainage wells
33 by January 1, 1995. Landowners using agricultural drainage
34 wells are directed to develop a plan concerning the future use
35 of their well by a date one year after the initiation of the

1 ongoing program.

2 Multiyear data collection is required to establish reliable
3 results from the research and demonstration project. Thus,
4 the project is planned to continue through crop year 1993.
5 This bill would change the date for initiating an ongoing
6 program to 1993 and development of well user plans to 1994 so
7 they better coincide with the availability of results and
8 findings of the project.

9 The last date for registering wells was changed from
10 January 1, 1988, to September 30, 1988, by the Seventy-second
11 General Assembly in 1988. However, the corresponding date in
12 subsection 2, paragraph "b", was not changed at that time.
13 This paragraph establishes the cutoff date for landowner
14 eligibility for any future financial assistance that may be
15 offered. This bill would correct this inconsistency. The
16 reference to "department" in section 159.29, subsection 8,
17 paragraph "c", is unclear as written. Subsection 8 provides
18 for emergency repairs that would otherwise be prohibited by
19 section 455B.276 which is administered by the department of
20 natural resources. Therefore, notification of such emergency
21 repairs would most logically be provided to the department of
22 natural resources.

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HOUSE FILE 2199

AN ACT
RELATING TO AGRICULTURAL DRAINAGE WELLS AND PROVIDING AN
EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 159.29, subsection 2, unnumbered paragraph 1, Code 1989, is amended to read as follows:
An owner of an agricultural drainage well and a landholder whose land is drained by the well or wells of another person shall develop, in consultation with the department of agriculture and land stewardship and the department of natural resources, a plan which proposes alternatives to the use of agricultural drainage wells by July 1, ~~1991~~ 1994.

Sec. 2. Section 159.29, subsection 2, paragraph b, Code 1989, is amended to read as follows:

b. An owner of an agricultural drainage well and a landholder whose land is drained by the well or wells of another person shall not be eligible for financial incentive moneys pursuant to paragraph "a" if the owner fails to register the well with the department of natural resources by ~~January~~ September 30, 1988, or if the owner fails to develop a plan for alternatives in cooperation with the department of agriculture and land stewardship and the department of natural resources.

Sec. 3. Section 159.29, subsection 7, Code 1989, is amended to read as follows:

7. Beginning July 1, ~~1990~~ 1993, the department shall initiate an ongoing program to meet the goal of eliminating chemical contamination caused by the use of agricultural drainage wells by January 1, 1995, based upon the findings of the report published pursuant to subsection 6.

Sec. 4. Section 159.29, subsection 8, paragraph c, Code 1989, is amended to read as follows:

c. The owner submits a written statement that approved emergency repairs are necessary and do not constitute a basis to avoid the eventual closure of the well if closure is later determined to be required. If a county board of supervisors or the board's designee approves the emergency repair of an agricultural drainage well, the county board of supervisors or the board's designee shall notify the department of natural resources of the approval within thirty days of the approval.

Sec. 5.

This Act, being deemed of immediate importance, takes effect upon enactment.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2199, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved March 23, 1990

TERRY E. BRANSTAD
Governor