

REPRINTED

SENATE FILE 2223
BY IVERSON

Passed Senate, ^(P.778) Date 3/13/96 Passed House, Date _____
Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for agricultural drainage regulation, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2223

S-5334
1 Amend Senate File 2223 as follows:
2 1. Page 1, by striking lines 6 and 7 and
3 inserting the following: "into an agriculture well,
4 the owner shall remove the".
By MARY LOU FREEMAN

S-5334 FILED MARCH 13, 1996
ADOPTED (P.778)

S.F. 2223

REMITTED

1 Section 1. NEW SECTION. 331.309 AGRICULTURAL DRAINAGE
2 WELLS -- PENALTY.

3 1. The owner of land shall do all of the following by July
4 1, 1998:

5 a. If the land contains a surface water intake emptying
6 into an agricultural drainage well, including a surface water
7 intake located in a road ditch, the owner shall remove the
8 surface water intake by July 1, 1998. This surface-water-
9 intake removal requirement does not require a person to remove
10 or prohibit a person from installing a tile line that empties
11 into an agricultural drainage well, if the tile line does not
12 have a surface water intake.

13 b. If the land contains a cistern connecting to an
14 agricultural drainage well, the owner shall construct and
15 maintain sidewalls surrounding the cistern in order to prevent
16 surface water runoff directly emptying into the agricultural
17 drainage well.

18 c. If the land contains an agricultural drainage well, the
19 owner shall install a vented cover over the agricultural
20 drainage well in order to prevent surface water runoff
21 directly emptying into the agricultural drainage well.

22 2. A county may adopt minimum standards to administer the
23 requirements of this section. The department of natural
24 resources shall provide information relating to owners
25 registering agricultural drainage wells pursuant to section
26 159.29 to each county board of supervisors and each drainage
27 district organized pursuant to chapter 468, where an
28 agricultural drainage well is registered.

29 3. Landowners of land where an agricultural drainage well
30 is located shall be notified of the deadline for complying
31 with this section by print, electronic media, or other
32 notification process, as follows:

33 a. If the agricultural drainage well is not located on
34 land within a drainage district as provided in chapter 468,
35 the county shall provide the notice.

1 b. If the agricultural drainage well is located on land
2 within a drainage district as provided in chapter 468, the
3 board of the drainage district shall provide the notice,
4 unless the county and the district determine that notice will
5 be provided by the county.

6 4. A surface tile emptying into an agricultural drainage
7 well shall be inspected to ensure compliance with this
8 section, as follows:

9 a. If the agricultural drainage well is not within a
10 drainage district as provided in chapter 468, the inspection
11 shall be made as required by the county board of supervisors.

12 b. If the agricultural drainage well is located on land
13 which is within a drainage district as provided in chapter
14 468, the inspection shall be made as required by the board of
15 the drainage district, unless the county and the district
16 determine that inspection will be made by the county.

17 The expenses incurred by the board of supervisors for
18 notification, inspection, and recordation shall be paid
19 equally by landowners in the county who own land where there
20 is located an agricultural drainage well. The amount shall be
21 placed upon the tax books, and collected with interest and
22 penalties after due, in the same manner as other unpaid
23 property taxes. However, if expenses are incurred by the
24 board of the drainage district, the amount shall be charged to
25 the landowners in the district.

26 5. A person who does not comply with this section is
27 guilty of a simple misdemeanor. However, if a person was
28 guilty of violating this section and again violates this
29 section by not taking action necessary to correct a previous
30 violation within sixty days after judgment is entered, the
31 person is guilty of a serious misdemeanor. If a person was
32 guilty of violating this section two or more times and again
33 violates this section by not taking action necessary to
34 correct a previous violation within sixty days after the last
35 judgment is entered, the person is guilty of an aggravated

1 misdemeanor.

2 Sec. 2. Section 455B.201, subsection 4, Code Supplement
3 1995, is amended by adding the following new subsection:

4 4. A person shall not use spray irrigation equipment to
5 apply manure on land from which water drains into an
6 agricultural drainage well. A person shall not otherwise
7 apply manure by spray irrigation equipment, except as provided
8 by rules which shall be adopted by the department pursuant to
9 chapter 17A.

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EXPLANATION

11 This bill provides that an owner of land where water drains
12 into an agricultural drainage well must eliminate surface
13 water drainage into the wells by 1998, by removing surface
14 water intakes, constructing and maintaining sidewalls
15 surrounding a connected cistern, and installing vented covers
16 over the agricultural drainage wells. The bill provides that
17 counties may adopt minimum standards to carry out the
18 requirements of the bill. The department of natural resources
19 must provide counties with information relating to owners
20 registering agricultural drainage wells. The bill provides
21 that owners of land where an agricultural drainage well is
22 located shall be notified of the deadline for complying with
23 this section by print, electronic media, or other notification
24 process, by the county or a drainage district where the land
25 is located. The bill also provides that a surface tile
26 emptying into an agricultural drainage well must be inspected
27 to ensure compliance with the bill. The bill provides that
28 inspection must be made by the county or the drainage district
29 where the agricultural drainage well is located.

30 The bill also prohibits a person from using spray
31 irrigation equipment to apply manure on land from which water
32 drains into an agricultural drainage well.

33 The bill provides penalties ranging from a simple
34 misdemeanor to an aggravated misdemeanor for violations of
35 provisions requiring that owners eliminate surface water

1 drainage into wells by July 1, 1998. Other penalties would
2 apply to the illegal use of spray irrigation equipment; the
3 department of natural resources could impose a civil penalty
4 of up to \$5,000 for such a violation.

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SENATE FILE 2223
BY IVERSON

(AS AMENDED AND PASSED BY THE SENATE MARCH 13, 1996)

 - New Language by the Senate

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