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Agriculture

HOUSE FILE

170

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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to agricultural drainage wells, by restricting  
2 the emptying of surface water into the wells, providing for  
3 compliance, and providing penalties.

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

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HF 170

1 Section 1. NEW SECTION. 331.309 AGRICULTURAL DRAINAGE

2 WELLS -- PENALTY.

3 1. "Agricultural drainage well" means a vertical opening  
4 to an aquifer or permeable substratum which is constructed by  
5 any means including but not limited to drilling, driving,  
6 digging, boring, augering, jetting, washing, or coring, and  
7 which is capable of intercepting or receiving surface or  
8 subsurface drainage water from agricultural land.

9 2. An owner of land shall do all of the following by July  
10 1, 1999:

11 a. If the land has a surface water intake emptying into an  
12 agricultural drainage well, including a surface water intake  
13 located in a road ditch, the landowner shall remove the  
14 surface water intake. This surface-water-intake removal  
15 requirement does not require a person to remove or prohibit a  
16 person from installing a tile line that empties into an  
17 agricultural drainage well, if the tile line does not have a  
18 surface water intake.

19 b. If the land has a cistern connecting to an agricultural  
20 drainage well, the landowner shall construct and maintain  
21 sidewalls surrounding the cistern in order to prevent surface  
22 water runoff directly emptying into the agricultural drainage  
23 well. The landowner shall install a valve on each tile line  
24 where it connects to a cistern which allows the closure of the  
25 tile line.

26 c. If the land has an agricultural drainage well, the  
27 landowner shall ensure that the drainage system is adequately  
28 ventilated in a manner that does not allow surface water  
29 runoff to directly empty into the agricultural drainage well.  
30 The landowner shall install a vented cover over the  
31 agricultural drainage well and install air intakes connecting  
32 to related tile lines as necessary.

33 3. A county may adopt minimum standards to administer the  
34 requirements of this section. The department of natural  
35 resources shall provide information regarding landowners

1 registering agricultural drainage wells pursuant to section  
2 159.29 to each county board of supervisors and each drainage  
3 district organized pursuant to chapter 468, in which an  
4 agricultural drainage well is registered.

5 4. Landowners of land on which an agricultural drainage  
6 well is located shall be notified of the deadline for  
7 complying with this section by print, electronic media, or  
8 other notification process, as follows:

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

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

18 5. A surface tile emptying into an agricultural drainage  
19 well shall be inspected to ensure compliance with this  
20 section, as follows:

21 a. If the agricultural drainage well is not located within  
22 a drainage district as provided in chapter 468, the inspection  
23 shall be made as required by the county board of supervisors  
24 in the county in which the agricultural drainage well is  
25 located.

26 b. If the agricultural drainage well is located on land  
27 within a drainage district as provided in chapter 468, the  
28 inspection shall be made as required by the board of the  
29 drainage district, unless the county and the district  
30 determine that inspection will be made by the county.

31 The expenses incurred by the board of supervisors for  
32 notification, inspection, and recordation shall be prorated  
33 among the landowners in the county who own land on which an  
34 agricultural drainage well is located. The amount shall be  
35 placed upon the tax books, and collected with interest and

1 penalties after due, in the same manner as other unpaid  
2 property taxes. However, if expenses are incurred by the  
3 board of the drainage district, the amount shall be charged to  
4 the landowners in the district.

5 6. A person who violates this section commits a simple  
6 misdemeanor. However, if a person is convicted of violating  
7 this section and again violates this section by not taking  
8 action necessary to correct a previous violation within sixty  
9 days after the person was convicted of the previous violation,  
10 the person commits a serious misdemeanor. If a person is  
11 convicted of violating this section two or more times and  
12 again violates this section by not taking action necessary to  
13 correct a previous violation within sixty days after the  
14 person was convicted of the last previous violation, the  
15 person commits an aggravated misdemeanor.

16 EXPLANATION

17 This bill provides that an owner of land where water drains  
18 into an agricultural drainage well must eliminate surface  
19 water drainage into the wells by July 1, 1999, by removing  
20 surface water intakes, constructing and maintaining sidewalls  
21 surrounding a connected cistern, installing shut-off valves  
22 where tile lines meet a cistern, installing air intakes, and  
23 installing vented covers over the agricultural drainage wells.  
24 The bill provides that counties may adopt minimum standards to  
25 carry out the requirements of the bill. The department of  
26 natural resources must provide counties with information  
27 relating to owners registering agricultural drainage wells.  
28 The bill provides that owners of land where an agricultural  
29 drainage well is located shall be notified of the deadline for  
30 complying with this section by print, electronic media, or  
31 other notification process, by the county or a drainage  
32 district where the land is located. The bill also provides  
33 that a surface tile emptying into an agricultural drainage  
34 well must be inspected to ensure compliance with the bill.  
35 The bill provides that inspection must be made by the county

1 or the drainage district where the agricultural drainage well  
2 is located.

3 The bill provides penalties ranging from a simple  
4 misdemeanor to an aggravated misdemeanor for violations of  
5 provisions requiring that owners eliminate surface water  
6 drainage into wells by July 1, 1999.

7 This bill may create a state mandate as provided in chapter  
8 25B.

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