

1-21-97 Agricultural

FILED JAN 16 1997

SENATE FILE 36
BY IVERSON

Passed Senate, Date _____ Passed House, 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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S.F. 36

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

3 1. An owner of land shall do all of the following by July
4 1, 1999:

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

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

18 c. If the land has an agricultural drainage well, the
19 landowner 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 regarding landowners
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 where the agricultural
5 drainage well is located determine that notice will be
6 provided by the county.

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

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

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

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

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

1 necessary to correct a previous violation within sixty days
2 after the person was found guilty of the last previous
3 violation, the person is guilty of an aggravated misdemeanor.

4 Sec. 2. Section 455B.201, subsection 4, Code 1997, is
5 amended to read as follows:

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

12 EXPLANATION

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

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

35 The bill provides penalties ranging from a simple

1 misdemeanor to an aggravated misdemeanor for violations of
2 provisions requiring that owners eliminate surface water
3 drainage into wells by July 1, 1999. Other penalties would
4 apply to the illegal use of spray irrigation equipment; the
5 department of natural resources could impose a civil penalty
6 of up to \$5,000 for such a violation.

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