

FEB 22 1999

Agriculture

HOUSE FILE 342

BY MERTZ and KLEMME

Passed House, Date _____ Passed Senate, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to the drainage of land by constructing or
2 reconstructing open or covered drains.

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

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HF 342

1 Section 1. Section 468.621, Code 1999, is amended to read
2 as follows:

3 468.621 DRAINAGE IN COURSE OF NATURAL DRAINAGE --
4 RECONSTRUCTION -- DAMAGES.

5 ~~Owners~~ The owner of land may drain the land in the general
6 course of natural drainage by constructing or reconstructing
7 open or covered drains, and discharging the drains in any
8 natural watercourse or depression so the water will be carried
9 into some other natural watercourse, ~~and if.~~ If the drainage
10 is wholly upon the owner's land the owner is not liable in
11 damages for the drainage ~~unless it increases the quantity of~~
12 ~~water or changes the manner of discharge on the land of~~
13 ~~another.~~ An owner in constructing a replacement drain, wholly
14 on the owner's land, and in the exercise of due care, is not
15 liable in damages to another person if a previously
16 constructed drain on the owner's own land is rendered
17 inoperative or less efficient by the new drain, unless in
18 violation of the terms of a written contract. This section
19 does not affect the rights or liabilities of proprietors in
20 respect to running streams.

21 EXPLANATION

22 This bill amends Code section 468.621 that provides that a
23 landowner may drain land in the general course of natural
24 drainage by constructing or reconstructing open or covered
25 drains. The section provides that if the drainage occurs
26 wholly upon the owner's land, the owner is not liable for
27 damages claimed to result from the drainage. The section also
28 currently provides one exception: the owner may be liable if
29 the construction or reconstruction changes the quantity of
30 water or changes the manner of discharge onto the land of
31 another person. This bill eliminates that exception.

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