

# Senate Amendment 3368

## Amendment Text

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1 1 Amend [House File 472](#), as amended, passed and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 1, by striking lines 1 through 6, and  
1 4 inserting the following:  
1 5 "Section 1. Section [558.69](#), Code 1999, is amended  
1 6 to read as follows:  
1 7 558.69 REPORTING OF PRIVATE BURIAL SITES, WELLS,  
1 8 DISPOSAL SITES, UNDERGROUND STORAGE TANKS, AND  
1 9 HAZARDOUS WASTE LIABILITY.  
1 10 With each declaration of value submitted to the  
1 11 county recorder under chapter 428A, there shall also  
1 12 be submitted a statement regarding whether any known  
1 13 private burial site is situated on the property, and  
1 14 if a known private burial site is situated on the  
1 15 property, the statement shall state the approximate  
1 16 location of the site. The statement shall also state  
1 17 that no known wells are situated on the property, or  
1 18 if known wells are situated on the property, the  
1 19 statement must state the approximate location of each  
1 20 known well and its status with respect to section  
1 21 159.29 or 455B.190. The statement shall also state  
1 22 that no known disposal site for solid waste, as  
1 23 defined in section 455B.301, which has been deemed to  
1 24 be potentially hazardous by the department of natural  
1 25 resources, exists on the property, or if such a known  
1 26 disposal site does exist, the location of the site on  
1 27 the property. The statement shall additionally state  
1 28 that no known underground storage tank, as defined in  
1 29 section 455B.471, subsection 11, exists on the  
1 30 property, or if a known underground storage tank does  
1 31 exist, the type and size of the tank, and any known  
1 32 substance in the tank. The statement shall also state  
1 33 that no known hazardous waste as defined in section  
1 34 455B.411, subsection 3, or listed by the department  
1 35 pursuant to section 455B.412, subsection 2, or section  
1 36 455B.464, exists on the property, or if known  
1 37 hazardous waste does exist, that the waste is being  
1 38 managed in accordance with rules adopted by the  
1 39 department of natural resources. The statement shall  
1 40 be signed by at least one of the sellers or their  
1 41 agents. The county recorder shall refuse to record  
1 42 any deed, instrument, or writing for which a  
1 43 declaration of value is required under chapter 428A  
1 44 unless the statement required by this section has been  
1 45 submitted to the county recorder. A buyer of property  
1 46 shall be provided with a copy of the statement  
1 47 submitted, and, following the fulfillment of this  
1 48 provision, if the statement submitted reveals no  
1 49 private burial site, well, disposal site, underground  
1 50 storage tank, or hazardous waste on the property, the  
2 1 county recorder may destroy the statement. The land  
2 2 application of sludges or soils resulting from the  
2 3 remediation of underground storage tank releases  
2 4 accomplished in compliance with department of natural  
2 5 resources rules without a permit is not required to be  
2 6 reported as the disposal of solid waste or hazardous  
2 7 waste.

2 8 If a declaration of value is not required, the  
2 9 above information shall be submitted on a separate  
2 10 form. The director of the department of natural  
2 11 resources shall prescribe the form of the statement  
2 12 and the separate form to be supplied by each county  
2 13 recorder in the state. The county recorder shall  
2 14 transmit the statements to the department of natural  
2 15 resources at times directed by the director of the  
2 16 department.

2 17 The owner of the property is responsible for the  
2 18 accuracy of the information submitted on the form.  
2 19 The owner's agent shall not be liable for the accuracy  
2 20 of information provided by the owner of the property.  
2 21 The provisions of this paragraph do not limit  
2 22 liability which may be imposed under a contract or  
2 23 under any other law."

2 24 #2. Page 1, by striking lines 12 and 13, and  
2 25 inserting the following: "person's ancestor on  
2 26 property owned by another person,".

2 27 #3. Page 1, by striking lines 18 through 20, and  
2 28 inserting the following:

2 29 "2. Pursuant to section 558.69, the declaration of  
2 30 value submitted to the county recorder under chapter  
2 31 428A shall also include the existence of any known  
2 32 private burial site situated on the property."

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2 36 ANDY [McKEAN](#)

2 37 MARK [SHEARER](#)

2 38 [HF 472.202](#) 78

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