

Senate Study Bill 3167

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to certain water treatment and supply-related
2 inspections conducted when certain property is sold or
3 transferred.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5447DP 81
6 tm/gg/14

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1 1 Section 1. Section 455B.172, Code Supplement 2005, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 11. A building where a person resides,
1 4 congregates, or is employed that is not connected to a public
1 5 sewage disposal system shall have the sewage disposal system
1 6 inspected at the time of sale or transfer of ownership of the
1 7 building to ensure that all wastewater is properly treated.
1 8 The septic tank shall be opened and pumped at the time of
1 9 inspection or shall have been pumped and the pumping
1 10 documented within the previous year. Any secondary treatment
1 11 system shall be inspected. Failing or improperly functioning
1 12 systems shall be renovated to meet current standards either by
1 13 the seller, or by agreement, within a reasonable time period
1 14 by the buyer. A building where a person resides, congregates,
1 15 or is employed that is not served by a public water supply
1 16 system shall have the private water well inspected and a water
1 17 sample taken and tested for coliform bacteria and nitrates at
1 18 the time of sale or transfer of ownership of the building.
1 19 Information about abandoned wells, water test results, and
1 20 deficiencies from current private water supply well standards
1 21 shall be conveyed to the buyer or transferee before the sale
1 22 or transfer of ownership of the building is final. A local
1 23 board of health shall be responsible for enforcing the
1 24 inspection requirements of this subsection within its
1 25 jurisdiction. A city or county may charge reasonable
1 26 inspection fees for purposes of this subsection. If
1 27 corrective action is required, an inspection fee shall apply
1 28 toward the cost of a construction permit fee.

1 29 Sec. 2. IMPLEMENTATION OF ACT. Any fees imposed as a
1 30 result of the enactment of this Act are intended to cover the
1 31 costs of any state mandate included in this Act and this
1 32 specification of state funding shall be deemed to meet all the
1 33 state funding-related requirements of section 25B.2,
1 34 subsection 3, and no additional state funding shall be
1 35 necessary for the full implementation of this Act by, and
2 1 enforcement of this Act against, all affected political
2 2 subdivisions.

EXPLANATION

2 4 This bill relates to certain water treatment and supply-
2 5 related inspections conducted when certain property is sold or
2 6 transferred.

2 7 The bill provides that a building where a person resides,
2 8 congregates, or is employed that is not connected to a public
2 9 sewage disposal system shall have the sewage disposal system
2 10 inspected at the time of sale or transfer of ownership of the
2 11 building to ensure that all wastewater is properly treated.
2 12 The bill requires the septic tank to be opened and pumped at
2 13 the time of inspection or to have been pumped and the pumping
2 14 documented within the previous year. The bill requires any
2 15 secondary treatment system to be inspected. The bill requires
2 16 failing or improperly functioning systems to be renovated to

2 17 meet current standards either by the seller, or by agreement,
2 18 within a reasonable time period by the buyer.

2 19 The bill provides that a building where a person resides,
2 20 congregates, or is employed that is not served by a public
2 21 water supply system shall have the private water well
2 22 inspected and a water sample taken and tested for coliform
2 23 bacteria and nitrates at the time of sale or transfer of
2 24 ownership. The bill requires information about abandoned
2 25 wells, water test results, and deficiencies from current
2 26 private water supply well standards to be conveyed to the
2 27 buyer or transferee before the sale of the building is final.

2 28 The bill requires that a local board of health shall be
2 29 responsible for enforcing the inspection requirements of the
2 30 bill within its jurisdiction. The bill allows cities and
2 31 counties to charge reasonable inspection fees.

2 32 The bill may include a state mandate as defined in Code
2 33 section 25B.3. The bill provides that any fees imposed
2 34 pursuant to the bill are intended to cover the costs of any
2 35 state mandate included in the bill. The inclusion of this
3 1 specification of state funding is intended to reinstate the
3 2 requirement of political subdivisions to comply with any state
3 3 mandates included in the bill.

3 4 LSB 5447DP 81

3 5 tm:rj/gg/14.1