

**House File 708 - Introduced**

HOUSE FILE 708  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 119)

(COMPANION TO SF 514 BY  
COMMITTEE ON STATE GOVERNMENT)

**A BILL FOR**

1 An Act relating to specific circumstances requiring the  
2 submission of a groundwater hazard statement with the  
3 declaration of value submitted to a county recorder in order  
4 to grant, assign, transfer, or convey real property.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 558.69, subsection 1, unnumbered  
2 paragraph 1, Code 2019, is amended to read as follows:

3 ~~With~~ For each declaration of value submitted to the county  
4 recorder under chapter 428A, ~~there shall be submitted a~~  
5 groundwater hazard statement stating shall be prepared that  
6 discloses all of the following:

7 Sec. 2. Section 558.69, subsections 3, 4, 7, and 8, Code  
8 2019, are amended to read as follows:

9 3. ~~The county recorder shall refuse to record~~ If a known  
10 private burial site, a known well, a known disposal site for  
11 solid waste, a known underground storage tank, known hazardous  
12 waste, or a known private sewage disposal system is disclosed  
13 pursuant to subsection 1, the groundwater hazard statement  
14 shall be submitted to the county recorder with any deed,  
15 instrument, or writing for which a declaration of value is  
16 required under chapter 428A ~~unless the groundwater hazard~~  
17 ~~statement required by this section~~ has been submitted to the  
18 county recorder. The county recorder shall collect a fee of  
19 twelve dollars for each groundwater hazard statement submitted  
20 pursuant to this subsection.

21 4. A buyer of property shall be provided with a copy of the  
22 ~~submitted~~ groundwater hazard statement by the seller.

23 7. The county recorder shall transmit ~~the~~ a submitted  
24 groundwater hazard ~~statements~~ statement to the department of  
25 natural resources at ~~times~~ a time and in a manner directed by  
26 the director of the department.

27 8. The owner of the property is responsible for the accuracy  
28 of the information ~~submitted~~ disclosed on the groundwater  
29 hazard statement. The owner's agent shall not be liable for  
30 the accuracy of information provided by the owner of the  
31 property. The provisions of this subsection do not limit  
32 liability which may be imposed under a contract or under any  
33 other law.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       This bill relates to the specific circumstances requiring  
3 submission of a groundwater hazard statement with a declaration  
4 of value submitted to a county recorder in order to grant,  
5 assign, transfer, or convey real property.

6       Current law requires that a groundwater hazard statement  
7 be submitted with each declaration of value submitted to the  
8 county recorder under Code chapter 428A (real estate transfer  
9 tax). The bill requires that a groundwater hazard statement be  
10 prepared for each declaration of value submitted to the county  
11 recorder under Code chapter 428A. However, the groundwater  
12 hazard statement only needs to be submitted to the county  
13 recorder if a known private burial site, a known well, a known  
14 disposal site for solid waste, a known underground storage  
15 tank, known hazardous waste, or a known private sewage disposal  
16 system is disclosed on the groundwater hazard statement.

17       The bill requires that the buyer of a property be provided  
18 with a copy of the prepared groundwater hazard statement and  
19 provides that the owner of the property is responsible for the  
20 accuracy of the information disclosed on the statement.

21       If the groundwater hazard statement is submitted to the  
22 county recorder, the county recorder must transmit a copy to  
23 the department of natural resources as directed by the director  
24 of the department.