

Senate File 514 - Introduced

SENATE FILE 514
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1125)

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.