## House Study Bill 553 - Introduced

| HOU | SE FILE                     |
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| ВУ  | (PROPOSED COMMITTEE ON      |
|     | ENVIRONMENTAL PROTECTION    |
|     | BILL BY CHAIRPERSON FISHER) |

## A BILL FOR

- 1 An Act relating to the submission of a groundwater hazard
- 2 statement.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 558.69, subsection 1, unnumbered
- 2 paragraph 1, Code 2022, is amended to read as follows:
- 3 With each declaration of value submitted to the county
- 4 recorder under chapter 428A, except as specified in subsection
- 5 8A, there shall be submitted a groundwater hazard statement
- 6 stating all of the following:
- 7 Sec. 2. Section 558.69, subsection 3, Code 2022, is amended
- 8 by striking the subsection.
- 9 Sec. 3. Section 558.69, subsections 4 and 7, Code 2022, are
- 10 amended to read as follows:
- 11 4. A buyer of property shall be provided with a copy of the
- 12 submitted groundwater hazard statement, if required under this
- 13 section, by the seller.
- 7. The county recorder shall transmit the groundwater
- 15 hazard statements to the department of natural resources
- 16 at times and in a manner directed by the director of the
- 17 department. Groundwater hazard statements may be transmitted
- 18 electronically to the department or may be presented to the
- 19 department through a browser interface provided through the
- 20 county land record information system. The form and timing of
- 21 the transmittal shall be determined by the department and the
- 22 county recorders.
- 23 Sec. 4. Section 558.69, Code 2022, is amended by adding the
- 24 following new subsections:
- 25 NEW SUBSECTION. 8A. a. If there are no hazardous
- 26 conditions present, as described in subsection 1, then a
- 27 groundwater hazard statement shall not be submitted. In lieu
- 28 of the submission of a groundwater hazard statement, any deed,
- 29 instrument, or writing by which any real property in this state
- 30 shall be granted, assigned, transferred, or otherwise conveyed
- 31 shall include on the first page of the deed, instrument, or
- 32 writing the following statement:
- 33 There is no known groundwater hazard and, therefore, the
- 34 parcel is exempt from including a groundwater hazard statement
- 35 pursuant to Iowa Code section 558.69.

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- b. The owner of the property is responsible for the accuracy
  of the statement provided in paragraph "a".
- 3 NEW SUBSECTION. 8B. The county recorder shall refuse
- 4 to record any deed, instrument, or writing by which any real
- 5 property in this state shall be granted, assigned, transferred,
- 6 or otherwise conveyed if the deed, instrument, or writing
- 7 and a required declaration of value is not accompanied by a
- 8 groundwater hazard statement, if required under this section,
- 9 or if the first page of the deed, instrument, or writing does
- 10 not include the statement provided in subsection 8A, paragraph
- 11 "a", if required under this section.
- 12 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 15 This bill relates to the submission of a groundwater hazard
- 16 statement with a declaration of value upon the conveyance
- 17 of real property. Under current law, a groundwater hazard
- 18 statement stating whether certain groundwater hazards exist
- 19 shall accompany each declaration of value submitted to a county
- 20 recorder when any real property in this state is granted,
- 21 assigned, transferred, or otherwise conveyed. Current law also
- 22 requires a county recorder to transmit a groundwater hazard
- 23 statement to the department of natural resources (DNR) as
- 24 directed by the DNR director.
- 25 Under the bill, a person shall not include a groundwater
- 26 hazard statement with a deed, instrument, or writing if no
- 27 hazardous conditions exist on the property. Rather, the first
- 28 page of the deed, instrument, or writing shall include a
- 29 statement indicating that no groundwater hazard exists on the
- 30 property and, therefore, the parcel is exempt from including
- 31 a groundwater hazard statement. The owner of the property
- 32 is responsible for the accuracy of such statement. The bill
- 33 requires a county recorder to refuse to record any deed,
- 34 instrument, or writing by which any real property in this state
- 35 is conveyed if the deed, instrument, or writing and a required

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- 1 declaration of value is not accompanied by a groundwater
- 2 hazard statement, if required, or if the exemption statement
- 3 is not present on the first page of the deed, instrument, or
- 4 writing, if required. Additionally, the bill authorizes a
- 5 county recorder to transmit a groundwater hazard statement to
- 6 DNR electronically or presented through a browser interface
- 7 provided by the county land record information system as
- 8 determined by DNR and the county recorders.