HOUSE FILE 2343
BY COMMITTEE ON ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 553)

(As Amended and Passed by the House March 14, 2022)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to the submission of a groundwater hazard statement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 558.69, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

With each declaration of value submitted to the county recorder under chapter 428A, except as specified in subsection 8A, there shall be submitted a groundwater hazard statement stating all of the following:

Sec. 2. Section 558.69, subsection 3, Code 2022, is amended by striking the subsection.

Sec. 3. Section 558.69, subsections 4, 7, and 8, Code 2022, are amended to read as follows:

4. A buyer of property shall be provided with a copy of the submitted groundwater hazard statement, if required under this section, by the seller.

7. The county recorder shall transmit the groundwater hazard statements to the department of natural resources ~~at times and in a manner directed by the director of the department~~. Groundwater hazard statements may be transmitted electronically to the department or may be presented to the department through a browser interface provided through the county land record information system. The form and timing of the transmittal shall be determined by the department and the county recorders.

8. The owner of the property is responsible for the accuracy of the information submitted on the groundwater hazard statement. The owner's agent and the preparer of the groundwater hazard statement shall not be liable for the accuracy of information provided by the owner of the property unless the owner's agent or the preparer of the groundwater hazard statement has direct knowledge contrary to the submitted statement. The provisions of this subsection do not limit liability which may be imposed under a contract or under any other law.

Sec. 4. Section 558.69, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. *a.* If there are no conditions present,

as described in subsection 1, then a groundwater hazard statement shall not be submitted. In lieu of the submission of a groundwater hazard statement, any deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed shall include on the first page of the deed, instrument, or writing the following statement:

* [There is no known private burial site, well, solid waste disposal site, underground storage tank, hazardous waste, or private sewage disposal system on the property as described in Iowa Code section 558.69, and therefore the transaction is exempt from the requirement to submit a groundwater hazard statement.]

b. The owner of the property is responsible for the accuracy of the statement provided in paragraph "*a*".

c. The owner's agent and the preparer of a statement included pursuant to paragraph "*a*" shall not be liable for information pertaining to the statement unless the owner's agent or the preparer has direct knowledge contrary to the included statement.

NEW SUBSECTION. 8B. *a.* If a required declaration of value is not accompanied by a groundwater hazard statement, if required under this section, or if the first page of the deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed does not include the statement provided in subsection 8A, paragraph "*a*", if required under this section, the county recorder shall refuse to record the deed, instrument, or writing.

b. A recording in violation of this subsection shall not be the basis for invalidating the deed, instrument, or writing.