

House File 2343 - Introduced

HOUSE FILE 2343

BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 553)

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:

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, 7, and 8, Code 2022,
10 are 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.

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

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

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

1 shall accompany each declaration of value submitted to a county
2 recorder when any real property in this state is granted,
3 assigned, transferred, or otherwise conveyed. Current law also
4 requires a county recorder to transmit a groundwater hazard
5 statement to the department of natural resources (DNR) as
6 directed by the DNR director.

7 Under the bill, a person shall not include a groundwater
8 hazard statement with a deed, instrument, or writing if no
9 specified conditions exist on the property. Rather, the first
10 page of the deed, instrument, or writing shall include a
11 statement indicating that no groundwater hazard exists on the
12 property and, therefore, the parcel is exempt from including
13 a groundwater hazard statement. The owner of the property is
14 responsible for the accuracy of such statement. An owner's
15 agent, a preparer of a groundwater hazard statement, and a
16 preparer of a statement that no known groundwater hazard exists
17 shall not be liable for the accuracy of information provided
18 by the owner of the property unless the person has direct
19 knowledge contrary to the submitted statement.

20 The bill requires a county recorder to refuse to record
21 any deed, instrument, or writing by which any real property
22 in this state is conveyed if the deed, instrument, or writing
23 and a required declaration of value is not accompanied by a
24 groundwater hazard statement, if required, or if the exemption
25 statement is not present on the first page of the deed,
26 instrument, or writing, if required. However, a recording in
27 violation of the bill shall not be the basis for invalidating
28 a deed, instrument, or writing. Additionally, the bill
29 authorizes a county recorder to transmit a groundwater hazard
30 statement to DNR electronically or presented through a browser
31 interface provided by the county land record information system
32 as determined by DNR and the county recorders.