

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 2343 (Formerly HSB 553)	House Environment PASSED 2/9/2022	(16-0)
Committee:	Environmental Protection	House Floor:	
Floor Manager:	Rep. Ingels	Senate Floor:	
Date:	March, 14, 2022	Governor:	
Staff:	Lew Olson (1-3096)		

Groundwater Hazard Statement Exemptions

- House File 2343 (previously HSB 553) proposes to amend the Code to provide for an exemption to filing a groundwater hazard statement to a deed in situations where no hazardous conditions exist.
 - In lieu of such a statement, any deeds, instrument or writing by which real property is transferred in this state shall for such property shall include on the first page of such documents a statement that no known groundwater hazard exists.
 - Counties are directed to refuse to record any property which has neither a groundwater hazard statement or notation on the first page that no known groundwater hazard exists.

Fiscal Note— not aware that a fiscal note for this legislation has been requested.

Section by Section Analysis

Section 1—Groundwater Hazard Statement Submission

Proposes to amend Section 558.69, subsection 1, unnumbered paragraph 1, Code 2022, to include language that refers to exception to filing groundwater hazard statement created by section 4 of this bill.

Sections 2—Verbiage Directing Counties not to Record Property Transfer Documents Moved

Proposes to amend Section 558.69, subsection 3, Code 2022, to strike verbiage in this subsection concerning direction to counties not to record property transfer documents without a groundwater hazard states because the language is relocated to a new Code section created in this bill (section 4).

Section 3—Buyer of Property to be Provided with Groundwater Hazard Statement if Applicable

Proposes to amend Section 558.691, subsections 4, 7 and 8, Code 2022, to insert verbiage that: groundwater hazard statements might be optional in some cases, and such documents may be transmitted electronically by the Department of Natural Resources (DNR) or be presented to the DNR through as browser interface provided through a county land record information system. Subsection 8 language is amended to remove liability for county recorder and preparers of the groundwater hazard statement for the accuracy of information, unless such persons has direct knowledge contrary to submitted statement.

Section 4—Exempt and Required Filing of Groundwater Hazard Statement

Proposes to create a new Sections 558.8A, and 8B, with 8A specifying that when there are no hazardous groundwater hazard conditions, a groundwater hazard statement is not required, but a notation that-- 'There is no known groundwater hazard and therefore, the parcel is exempt from including a groundwater hazard

statement pursuant to Iowa Code section 558.69.’ 8B specifies that if a required declaration of value is not accompanied by either a groundwater hazard statement or notation on the first page of real property transfer document that no hazardous condition exists the county recorder shall not record the deed. However, a recording violation to this subsection shall not be the basis for invalidating the deed, instrument or writing.

Amendment Analysis

H 8178, by Rep. Ingels, strikes and replaces verbiage (page 2, lines 8 through 10) that is the statement that will be placed on the first page of a deed that is an alternative to a groundwater hazard statement. The statement rewording includes striking the term ‘groundwater hazard’, and replacing it with the specific components of a groundwater hazard—(a) private burial site, (b) well, (c) solid waste disposal site, (d) underground storage tank, (e) hazardous waste or (f) private sewage disposal system.