

# H.B. 322

## LOCAL GOVERNMENT CLEAN-UP FEES

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 1, 2013 8:58 AM

Representative **Eric K. Hutchings** proposes the following amendments:

1. *Page 1, Lines 17 through 20:*

17           ▶       requires a municipality or county to record with the county recorder and mail to a  
18 property owner a notice of a lien if the municipality or county plans to record ~~{a}~~ an abatement lien  
19 against the property;  
20           ▶       enacts language governing ~~{a}~~ an abatement lien recorded for clean-up costs; and

2. *Page 2, Lines 54 through 55:*

54           (A) that failure to pay the expenses described in Subsection (1)(b)(i)(B) may result in ~~{a}~~ an  
abatement  
55 lien on the property in accordance with Section ~~[10-11-4]~~ 10-11-5;

3. *Page 3, Line 62:*

62           (d) (i) ~~[A]~~ No later than 30 days before recording ~~{a}~~ an abatement lien on the property, a  
municipality

4. *Page 3, Line 67:*

67           (B) mail a copy of the notice of the abatement lien to the property owner's of record last known

5. *Page 3, Lines 69 through 72:*

69           (ii) If a municipality files a notice of a lien indicating that the municipality intends to  
70 ~~[certify]~~ record ~~{a}~~ an abatement lien against the property for the unpaid costs and expenses in  
accordance with  
71 Subsection (2)(a)(ii) and Section ~~[10-11-4]~~ 10-11-5, the municipality shall file for record in the  
72 county recorder's office a release of the abatement lien after all amounts owing are paid.

6. *Page 3, Line 79:*

79           (ii) record ~~{a}~~ an abatement lien against the property in accordance with Section 10-11-5.

7. *Page 4, Line 102:*

102           (b) subject to Subsection (5), record ~~{a}~~ an abatement lien against the property in accordance  
with

8. Page 4, Lines 104 through 105:

104 (5) (a) If the municipality files an action in district court under Subsection (2)(a)(i) or  
105 (4)(a), or records ~~{a}~~ an abatement lien for the past due costs and expenses under Subsection  
(2)(a)(ii) or

9. Page 4, Line 120:

120 (1) A municipality may record ~~{a}~~ an abatement lien with the county recorder of the county  
in which a

10. Page 5, Lines 123 through 125:

123 (2) ~~{A}~~ An abatement lien imposed under this section:  
124 (a) has priority over any lien, mortgage, security interest, or other encumbrance arising  
125 after the day on which the abatement lien is recorded; and

11. Page 5, Lines 142 through 149:

142 (3) If a county records ~~{a}~~ an abatement lien with the county recorder of the county in which  
a property  
143 described in Subsection (1) is located for the unpaid costs and expenses that the county has  
144 incurred for an inspection, clean up, or abatement with regard to the property, the county shall  
145 no later than 30 days before recording ~~{a}~~ the abatement lien on the property:  
146 (a) file a notice of a lien, including a copy of the statement described in Subsection (2),  
147 in the records of the county recorder; and  
148 (b) mail a copy of the notice of the abatement lien to the property owner's of record last known  
149 address.

12. Page 5, Line 150:

150 (4) ~~{A}~~ An abatement lien imposed under this section:

13. Page 6, Line 152:

152 after the day on which the abatement lien is recorded; and

14. Page 6, Lines 156 through 157:

156 (5) The county shall file for record in the county recorder's office a release of the abatement lien  
157 after all amounts owing are paid.