

(P. 328) 2/22/94 Amend/Do Pass
(P. 198) 3/22/94 Senate - Do Pass w/5091

JAN 21 1994
ENERGY AND
ENVIRONMENTAL PROTECTION

HOUSE FILE **2055**
BY WEIGEL and GIPP

(P. 389)
Passed House, Date 3/1/94
Vote: Ayes 95 Nays 0
Approved April 8, 1994

(P. 873)
Passed Senate, Date 3-28-94
Vote: Ayes 48 Nays 0

A BILL FOR

1 An Act imposing a lien for city or county expenditures for
2 closure or postclosure care of sanitary landfills.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2055

HOUSE FILE 2055

H-5091

1 Amend House File 2055 as follows:
2 1. Page 1, by striking lines 18 through 20 and
3 inserting the following: "recorded at the time the
4 property is sold or transferred, the property shall
5 not be subject to a lien or claim for any closure or
6 postclosure costs incurred by the city or county."

(P. 389) 3/1/94 Adopted

By COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION
RAFFERTY of Scott, Chairperson

H-5091 FILED FEBRUARY 22, 1994

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1 Section 1. Section 455B.302, Code 1993, is amended by
 2 adding the following new unnumbered paragraph:
 3 NEW UNNUMBERED PARAGRAPH. A city or county which provides
 4 closure or postclosure care on the premises of a sanitary
 5 landfill owned by a private agency, shall have a lien upon the
 6 property to secure payment for the amount of materials and
 7 labor expended by the city or county to perform the required
 8 closure or postclosure care on the premises. The lien shall
 9 be recordable and collectable in the same manner as provided
 10 in section 424.11. The lien shall attach to the time the city
 11 or county incurs expenses to provide closure or postclosure
 12 care on the premises of the sanitary landfill. The lien shall
 13 be valid as against subsequent mortgagees, purchasers, or
 14 judgment creditors, for value and without notice of the lien,
 15 only upon filing a notice of the lien with the recorder of the
 16 county in which the property is located. Upon payment, the
 17 city or county shall release the lien. If no lien has been
 18 recorded at the time the person sells or transfers the
 19 property the person shall not be liable for any closure or
 20 postclosure costs incurred by the city or county.

21 EXPLANATION

22 This bill grants a city or county a lien upon property
 23 which is used or has been used as a sanitary landfill and is
 24 owned by a private agency, for the amount which the city or
 25 county incurred to provide required closure or postclosure
 26 care on the premises of the sanitary landfill.

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HOUSE FILE 2055
BY WEIGEL and GIPP

(As Amended and Passed by the House March 1, 1994)

Passed House, Date 3/1/94 Passed Senate, Date ^(p.873) 3-28-94
Vote: Ayes 95 Nays 0 Vote: Ayes 48 Nays 0
Approved April 8, 1994

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1 An Act imposing a lien for city or county expenditures for
2 closure or postclosure care of sanitary landfills.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 455B.302, Code 1993, is amended by
2 adding the following new unnumbered paragraph:
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4 closure or postclosure care on the premises of a sanitary
5 landfill owned by a private agency, shall have a lien upon the
6 property to secure payment for the amount of materials and
7 labor expended by the city or county to perform the required
8 closure or postclosure care on the premises. The lien shall
9 be recordable and collectable in the same manner as provided
10 in section 424.11. The lien shall attach at the time the city
11 or county incurs expenses to provide closure or postclosure
12 care on the premises of the sanitary landfill. The lien shall
13 be valid as against subsequent mortgagees, purchasers, or
14 judgment creditors, for value and without notice of the lien,
15 only upon filing a notice of the lien with the recorder of the
16 county in which the property is located. Upon payment, the
17 city or county shall release the lien. If no lien has been
18 recorded at the time the property is sold or transferred, the
19 property shall not be subject to a lien or claim for any
20 closure or postclosure costs incurred by the city or county.

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closure or postclosure care on the premises. The lien shall be recordable and collectable in the same manner as provided in section 424.11. The lien shall attach at the time the city or county incurs expenses to provide closure or postclosure care on the premises of the sanitary landfill. The lien shall be valid as against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, only upon filing a notice of the lien with the recorder of the county in which the property is located. Upon payment, the city or county shall release the lien. If no lien has been recorded at the time the property is sold or transferred, the property shall not be subject to a lien or claim for any closure or postclosure costs incurred by the city or county.

HOUSE FILE 2055

AN ACT
IMPOSING A LIEN FOR CITY OR COUNTY EXPENDITURES FOR
CLOSURE OR POSTCLOSURE CARE OF SANITARY LANDFILLS.

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

Section 1. Section 455B.302, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A city or county which provides closure or postclosure care on the premises of a sanitary landfill owned by a private agency, shall have a lien upon the property to secure payment for the amount of materials and labor expended by the city or county to perform the required

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2055, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 8*, 1994

TERRY E. BRANSTAD
Governor