

# House Bill 3313

Sponsored by COMMITTEE ON JUDICIARY (at the request of Clackamas County)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Gives priority to lien for costs incurred by county to secure nuisance illegal drug manufacturing site and make site fit for use.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to local government ability to recoup costs incurred for illegal drug manufacturing site  
3 rehabilitation; creating new provisions; amending ORS 105.585; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 105.585 is amended to read:

6 105.585. (1) Any costs associated with securing the property under ORS 105.550 to 105.600 shall  
7 constitute a lien against the property declared to be a nuisance from the time a notice specifying  
8 the costs is filed of record.

9 **(2) Except as provided in subsection (3) of this section,** a lien created by ORS 105.550 to  
10 105.600 is prior and superior to all other liens, mortgages and encumbrances against the property  
11 upon which the lien is imposed [*which*] **that** attached to the property after any lien imposed by ORS  
12 105.550 to 105.600.

13 **(3) Except as provided in ORS 311.405, a lien for costs incurred by a county to secure a**  
14 **property that was a nuisance described in ORS 105.555 (1)(c) and have the property decon-**  
15 **taminated and certified as fit for use under ORS 453.885 is superior to, has priority over and**  
16 **shall be fully satisfied before all other liens, judgments, mortgages, security interests or**  
17 **encumbrances on the property without regard to date of creation, filing or recording.**

18 [(2)] (4) A notice of pendency of an action may be filed pursuant to ORS 93.740 with respect to  
19 any action filed under ORS 105.550 to 105.600.

20 **SECTION 2.** The amendments to ORS 105.585 by section 1 of this 2007 Act apply to liens  
21 for costs incurred by counties on or after the effective date of this 2007 Act.

22 **SECTION 3.** This 2007 Act being necessary for the immediate preservation of the public  
23 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
24 on its passage.  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.