

MINUTES OF THE
SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
STANDING COMMITTEE
Friday, January 27, 2006
Utah State Capitol Complex, West Office Building, Suite W015

Members Present: Sen. Michael Waddoups, Chair
Sen. Fred Fife
Sen. Scott McCoy
Sen. Darin Peterson

Members Excused: Sen. Beverly Evans
Sen. Thomas Hatch

Staff Present: J Brian Allred, Policy Analyst
Saundra Maeser, Secretary

Public Speakers Present: Brad Shafer, Utah Association of Counties
Sandra Allen, Attorney, Department of Environmental Quality
Brad Johnson, Division Director, Department of Environmental Quality
Lee King, Midvale City

A list of visitors is filed with the committee minutes.

Committee Chair Waddoups called the meeting to order at 9:18 a.m.

1. S.B. 65 Wildland Fire Suppression Amendments (Sen. D. Thomas)

Sen. David Thomas introduced the bill.

Brad Shafer, Utah Association of Counties, spoke in support of the bill.

MOTION: Sen. Peterson moved to pass S.B. 65, Wildland Fire Suppression Amendments, out favorably.

The motion passed unanimously with Sen. McCoy absent at the time of voting.

2. Approval of Minutes

MOTION: Sen. Fife moved to approve the minutes of January 23, 2006.

The motion passed unanimously with Sen. McCoy absent at the time of voting.

3. S.B. 153 Uniform Environmental Covenants Act (Sen. L. Hillyard)

Sen. Lyle Hillyard introduced the bill. Sandra Allen, Attorney, Department of Environmental Quality, assisted in the presentation.

MOTION: Sen. Fife moved to adopt the following amendment:

1. *Page 1, Line 27 through Page 2, Line 28:*

27 ~~[[~~→~~ requires the Department of Environmental Quality to establish and maintain a~~
28 ~~registry containing all environmental covenants;]]~~

2. *Page 2, Line 51:*

51 ~~[[57-25-112, Utah Code Annotated 1953-]]~~

3. *Page 10, Line 291 through Page 11, Line 334:*

291 ~~[[~~Section 13. Section 57-25-112 is enacted to read:~~~~

292 ~~57-25-112. Registry -- Substitute notice:~~

293 ~~(1) (a) The agency shall establish and maintain a registry that contains all~~

294 ~~environmental covenants and any amendment or termination of those covenants;~~

295 ~~(b) The registry described in Subsection (1)(a) may also contain any other
information~~

296 ~~concerning environmental covenants and the real property subject to them that the
agency~~

297 ~~considers appropriate.~~

298 ~~(c) The registry described in Subsection (1)(a) is a public record for purposes of
Title~~

299 ~~63, Chapter 2, Government Records Access and Management Act.~~

300 ~~(2) (a) After an environmental covenant or an amendment or termination of a
covenant~~

301 ~~is filed in the registry established under Subsection (1), a notice of the covenant,
amendment,~~

302 ~~or termination that complies with this section may be recorded in the land records in
lieu of~~

303 ~~recording the entire covenant.~~

304 ~~(b) A notice under Subsection (2)(a) must contain:~~

305 ~~(i) a legally sufficient description and any available street address of the real
property~~

306 ~~subject to the covenant;~~

307 ~~(ii) the name and address of the owner of the fee simple interest in the real
property;~~

308 ~~the agency, and the holder if other than the agency;~~

309 ~~(iii) a statement that:~~

310 — ~~(A) the covenant, amendment, or termination is available in a registry at the
agency;~~

311 — ~~and~~

312 — ~~(B) discloses the method of any electronic access to the covenant, amendment,
or~~

313 — ~~termination; and~~

314 — ~~(iv) a statement that the notice is notification of an environmental covenant
executed~~

315 — ~~under this chapter;~~

316 — ~~(3) A statement in substantially the following form, executed with the same
formalities~~

317 — ~~as a deed in Utah, satisfies the requirements of Subsection (2):~~

318 — ~~"1. This notice is filed in the land records of the county of [insert name of
jurisdiction~~

319 — ~~in which the real property is located] under Section 57-25-112.~~

320 — ~~2. This notice and the covenant, amendment, or termination to which it refers may
impose significant obligations with respect to the property described below.~~

322 — ~~3. A legal description of the property is attached as Exhibit A to this notice. The
address~~

323 — ~~of the property that is subject to the environmental covenant is [insert address of
property].~~

324 — ~~4. The name and address of the owner of the fee simple interest in the real
property on~~

325 — ~~the date of this notice is [insert name of current owner of the property and the owner's
current~~

326 — ~~address as shown on the tax records of the jurisdiction in which the property is
located].~~

327 — ~~5. The environmental covenant, amendment, or termination was signed by [insert
name~~

328 — ~~and address of the agency].~~

329 — ~~6. The environmental covenant, amendment, or termination was filed in the registry
or~~

330 — ~~[insert date of filing].~~

331 ~~7. The full text of the covenant, amendment, or termination and any other information~~
332 ~~required by the agency is on file and available for inspection and copying in the registry~~
333 ~~maintained for that purpose by the Department of Environmental Quality.”]]~~

334 Section ~~[[+4]]~~ 13 . Section 57-25-113 is enacted to read:

4. *Page 12, Line 339:*

339 Section ~~[[+5]]~~ 14 . Section 57-25-114 is enacted to read:

5. *Page 12, Line 345:*

345 Section ~~[[+6]]~~ 15 . Section 57-25-115 is enacted to read:

The motion passed unanimously with Sen. McCoy absent at the time of voting.

MOTION: Sen. Fife moved to pass S.B. 153, Uniform Environmental Covenants Act, out favorably as amended.

The motion passed unanimously.

MOTION: Sen. McCoy moved to adjourn.

The motion passed unanimously.

Chair Waddoups adjourned the meeting at 9:47 a.m.

Minutes reported by Sandra Maeser, Secretary

Michael Waddoups, Committee Chair