



# UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • WEST OFFICE BUILDING, SUITE W115  
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January 27, 2006

Mr. President:

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 153**, UNIFORM ENVIRONMENTAL COVENANTS ACT, by Senator L. Hillyard, with the following amendments:

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

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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  
321 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]:

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329 ~~6. The environmental covenant, amendment, or termination was filed in the registry on~~  
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 {~~14~~} 13 . Section 57-25-113 is enacted to read:

4. Page 12, Line 339:

339 Section {~~15~~} 14 . Section 57-25-114 is enacted to read:

5. Page 12, Line 345:

345 Section {~~16~~} 15 . Section 57-25-115 is enacted to read:

Respectfully,

Michael G. Waddoups  
Committee Chair

Voting: 4-0-2

3 SB0153.SC1.WPD smaeser/JBA ERB/JBA 1/27/06 9:55 am

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