

# Senator Peter A. Micciche

*Alaska State Legislature*

## **Session Address:**

Alaska State Capitol, Rm. 508  
Juneau, Alaska 99801-1182  
Phone: (907) 465-2828  
Toll Free: (800) 964-5733



## **Interim Address:**

145 Main Street Loop, Ste. 226  
Kenai, Alaska 99611-7771  
Phone: (907) 283-7996  
Fax: (907) 283-8127

## SB 64: Uniform Environmental Covenants Act

### Sectional Analysis

#### **Section 1**

Adds a new article to AS 46.04 that:

- AS 46.04.300 – establishes when an environmental covenant is necessary, who is a holder, who is bound by the covenant, subordination, rules for commonly held property, and states that the covenant has no interest in the land;
- AS 46.04.305 – provides which documents are required for the record and additional documents that may be requested;
- AS 46.04.310 – provides situations in which the covenant is still valid and enforceable and is priority over common law;
- AS 46.04.315 – outlines procedure for notice;
- AS 46.04.320 – establishes guidelines for recording the covenant in property records;
- AS 46.04.325 – defines terms for termination of a covenant and amendment by court action i.e., consent, foreclosure with another interest as priority, or eminent domain;
- AS 46.04.330 – defines procedure for termination of a covenant and amendment by consent;
- AS 46.04.335 – states the department has the power to enforce and bring civil action if there is failure to comply;
- AS 46.04.340 – creates the ability to enforce an environmental covenant on federal lands;
- AS 46.04.345 – places covenant restrictions above other land-use laws;
- AS 46.04.350 – provides that the department shall maintain a registry for covenants;
- AS 46.04.355 – states that this Act is uniform law;
- AS 46.04.390 – provides definitions used in the Act.

## **Section 2**

Uncodified law - provides that the Department of Environmental Conservation and the Department of Natural Resources may adopt necessary regulations to implement this Act.

## **Sections 3**

Provides an immediate effective date for Section 2 of this Act.