



Sen. A. J. Wilhelmi

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09500SB2110sam002

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1 AMENDMENT TO SENATE BILL 2110

2 AMENDMENT NO. _____. Amend Senate Bill 2110 on page 2,
3 immediately below line 19, by inserting the following:

4 "(8) "Prior interest" means a preceding or senior interest,
5 in time or in right, that is recorded with respect to the real
6 property, including but not limited to a mortgage, easement, or
7 other interest, lien, or encumbrance predating the recording of
8 an environmental covenant."; and

9 on page 2, line 20, by changing "(8)" to "(9)"; and

10 on page 2, line 24, by changing "(9)" to "(10)"; and

11 on page 3, immediately below line 2, by inserting the
12 following:

13 "(a) An owner or owners of real property may voluntarily

1 enter into an environmental covenant, as a grantor of an
2 interest in the real property, with an agency and, if
3 appropriate, one or more holders. No owner, agency, or other
4 person shall be required to enter into an environmental
5 covenant as part of an environmental response project;
6 provided, however, that (i) failure to enter into an
7 environmental covenant may result in disapproval of the
8 environmental response project; and (ii) once the owner,
9 agency, or other person assumes obligations in an environmental
10 covenant they must comply with those obligations of the
11 environmental covenant in accordance with this Act."; and

12 on page 3, line 3, by changing "(a)" to "(b)"; and

13 on page 3, line 8, by changing "(b)" to "(c)"; and

14 on page 3, line 11, by changing "(c)" to "(d)"; and

15 on page 3, line 19, by changing "(d)" to "(e)"; and

16 on page 4, immediately below line 15, by inserting the
17 following:

18 "(f) Subject to Section 9(a)(5) of this Act, environmental
19 covenants established under this Act shall be subject to
20 eminent domain or condemnation proceedings by any agency of the

1 State having a general grant of authority to acquire property
2 by the exercise of the right of eminent domain under the laws
3 of this State.".