

1 HB341
2 137063-3
3 By Representative Carns
4 RFD: Commerce and Small Business
5 First Read: 16-FEB-12

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ENROLLED, An Act,

To amend Section 35-19-2, Code of Alabama 1975, to exempt underground and aboveground storage tanks storing motor fuel from the requirements of the Alabama Uniform Environmental Covenants Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 35-19-2, Code of Alabama 1975, is amended to read as follows:

"§35-19-2.

"The following terms shall have the following meanings:

"(1) ACTIVITY AND USE LIMITATIONS. Restrictions or obligations created under this chapter with respect to real property.

"(2) AGENCY or DEPARTMENT. The Alabama Department of Environmental Management.

"(3) COMMON INTEREST COMMUNITY. A condominium, cooperative, or other real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes or insurance premiums, or for maintenance, or improvement of other real property described in a recorded covenant that creates the common interest community.

1 "(4) DIRECTOR. The Director of the Alabama
2 Department of Environmental Management or his or her
3 designated representative.

4 "(5) ENVIRONMENTAL COVENANT. A servitude arising
5 under an environmental response project that imposes activity
6 and use limitations.

7 "(6) ENVIRONMENTAL RESPONSE PROJECT. A plan or work
8 performed for environmental remediation of real property and
9 conducted under any of the following programs or situations:

10 "a. Under a federal or state program governing
11 environmental remediation of real property, including Chapter
12 30E of Title 22, but not including Chapter 36 of
13 Title 22.

14 "b. Incident to closure of a solid or hazardous
15 waste management unit, if the closure is conducted with
16 approval of an agency.

17 "c. Under a state voluntary clean-up program
18 authorized in Chapter 30E of Title 22.

19 "(7) HOLDER. The grantee of an environmental
20 covenant as specified in subsection (a) of Section 35-19-3.

21 "(8) PERSON. An individual, corporation, business
22 trust, estate, trust, partnership, limited liability company,
23 association, joint venture, public corporation, government,
24 governmental subdivision, agency, or instrumentality, or any
25 other legal or commercial entity.

1 "(9) RECORD. Used as a noun, means information that
2 is inscribed on a tangible medium or that is stored in an
3 electronic or other medium and is retrievable in perceivable
4 form.

5 "(10) STATE. The State of Alabama."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 08-MAR-12, as amended.

Greg Pappas
Clerk

03-MAY-12

Senate

Passed