

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

SYNOPSIS: Under existing law, underground storage tanks and aboveground storage tanks storing motor fuels are not specifically exempt from the Alabama Uniform Environmental Covenants Act.

This bill would exempt underground and aboveground storage tanks and the real property affected by them from the requirements of the Alabama Uniform Environmental Covenants Act.

A BILL
TO BE ENTITLED
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:

1 "§35-19-2.

2 "The following terms shall have the following
3 meanings:

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

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

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

16 "(4) DIRECTOR. The Director of the Alabama
17 Department of Environmental Management or his or her
18 designated representative.

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

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

25 "a. Under a federal or state program governing
26 environmental remediation of real property, including Chapter
27 30E of Title 22, but not includig Chapter 36 of Title 22.

1 "b. Incident to closure of a solid or hazardous
2 waste management unit, if the closure is conducted with
3 approval of an agency.

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

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

8 "(8) PERSON. An individual, corporation, business
9 trust, estate, trust, partnership, limited liability company,
10 association, joint venture, public corporation, government,
11 governmental subdivision, agency, or instrumentality, or any
12 other legal or commercial entity.

13 "(9) RECORD. Used as a noun, means information that
14 is inscribed on a tangible medium or that is stored in an
15 electronic or other medium and is retrievable in perceivable
16 form.

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

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