HB390 ENROLLED



- 1 VQ00LV-2
- 2 By Representative South
- 3 RFD: Economic Development and Tourism
- 4 First Read: 27-Apr-23
- 5 2023 Regular Session

HB390 Enrolled



1 Enrolled, An Act,

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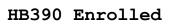
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- 4 Relating to environmental covenants; to amend Section
- 5 35-19-2, Code of Alabama 1975, to provide that work regarding
- 6 aboveground storage tanks registered for eligibility under the
- 7 Alabama Underground and Aboveground Storage Tank Trust Fund
- 8 does not constitute an environmental response project for
- 9 environmental covenant purposes.
- 10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- 11 Section 1. Section 35-19-2, Code of Alabama 1975, is
- 12 amended to read as follows:
- 13 "\$35-19-2
- 14 The following terms shall have the following meanings:
- 15 (1) ACTIVITY AND USE LIMITATIONS. Restrictions or
- 16 obligations created under this chapter with respect to real
- 17 property.
- 18 (2) AGENCY or DEPARTMENT. The Alabama Department of
- 19 Environmental Management.
- 20 (3) COMMON INTEREST COMMUNITY. A condominium,
- 21 cooperative, or other real property with respect to which a
- 22 person, by virtue of the person's ownership of a parcel of
- real property, is obligated to pay property taxes or insurance
- 24 premiums, or for maintenance, or improvement of other real
- 25 property described in a recorded covenant that creates the
- 26 common interest community.
- 27 (4) DIRECTOR. The Director of the Alabama Department of
- 28 Environmental Management or his or her designated

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- 29 representative.
- 30 (5) ENVIRONMENTAL COVENANT. A servitude arising under 31 an environmental response project that imposes activity and
- 32 use limitations.
- 33 (6) ENVIRONMENTAL RESPONSE PROJECT. A plan or work 34 performed for environmental remediation of real property and
- 35 conducted under any of the following programs or situations:
- 36 a. Under a federal or state program governing
- 37 environmental remediation of real property, including Chapter
- 38 30E of Title 22, but not including Chapter 36 of Title 22 or
- 39 Chapter 35 of Title 22 regarding aboveground storage tanks
- 40 registered for eligibility.
- 41 b. Incident to closure of a solid or hazardous waste
- 42 management unit, if the closure is conducted with approval of
- 43 an agency.
- c. Under a state voluntary clean-up program authorized
- 45 in Chapter 30E of Title 22.
- 46 (7) HOLDER. The grantee of an environmental covenant as
- 47 specified in subsection (a) of Section 35-19-3.
- 48 (8) PERSON. An individual, corporation, business trust,
- 49 estate, trust, partnership, limited liability company,
- association, joint venture, public corporation, government,
- 51 governmental subdivision, agency, or instrumentality, or any
- 52 other legal or commercial entity.
- 53 (9) RECORD. Used as a noun, means information that is
- inscribed on a tangible medium or that is stored in an
- 55 electronic or other medium and is retrievable in perceivable
- 56 form.





57	(10) STATE. The State of Alabama."
58	Section 2. This act shall become effective on the first
59	day of the third month following its passage and approval by
60	the Governor, or its otherwise becoming law.

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67		Speaker of the House of Representatives	
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72		President and Presiding Officer of the Senate	
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7 4			
75		House of Representatives	
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77		I hereby certify that the within Act originated in	n and
78	was pa	ssed by the House 16-May-23.	
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30		John Treadwell	
31		Clerk	
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39	Senate	06-Jun-23 Passed	