

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



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1 Enrolled, An Act,

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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
23 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.

44 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,
50 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
54 inscribed on a tangible medium or that is stored in an
55 electronic or other medium and is retrievable in perceivable
56 form.



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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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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 16-May-23.

John Treadwell
Clerk

Senate **06-Jun-23**

Passed