

HB145 INTRODUCED



1 HB145
2 2DHTIKK-1
3 By Representatives Clarke, Drummond, Bracy, Wilcox, Pringle,
4 Brown (N & P)
5 RFD: Mobile County Legislation
6 First Read: 04-Feb-25



SYNOPSIS:

This bill would authorize any Class 2 municipality to establish a delegation agreement with the Alabama Department of Environmental Management for the local enforcement of the Alabama Scrap Tire Environmental Quality Act.

This bill would also provide for jurisdiction of violations in the municipal court of the Class 2 municipality and for criminal penalties.

A BILL
TO BE ENACTED
AN ACT

Relating to Class 2 municipalities; to amend Section 22-40A-12 of the Code of Alabama 1975, relating to the Alabama Scrap Tire Environmental Quality Act, to authorize the governing body of a Class 2 municipality to establish a delegation agreement with the Alabama Department of Environmental Management to enforce the act; to authorize enforcement in a Class 2 municipality in municipal court; and to provide for criminal penalties of certain violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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Section 1. Section 22-40A-12 of the Code of Alabama 1975, is amended to read as follows:

"§22-40A-12

(a) County commissions and the governing body of any Class 2 municipality may request primacy on enforcement and establish delegation agreements with the department for enforcement of this chapter. The department shall establish by ~~regulation~~ rule the procedures for delegation. ~~Counties A county or a Class 2 municipality~~ that ~~wish to~~ voluntarily ~~establish such~~ establishes a delegation ~~agreements~~ agreement with the department for local enforcement shall have all of the following responsibilities:

(1) Provide quarterly reports to the department on all scrap tire activities within that quarter on a form prepared and provided by the department.

(2) Provide a written investigation ~~reports~~ report to the department within 10 days of ~~the~~ an initial investigation.

(3) Investigate all reports and complaints regarding scrap tires within the respective county or Class 2 municipality.

(4) Investigate illegal dumping of scrap tires.

(5) Review manifests of scrap tires at businesses

(b) Notwithstanding any other provision of law, in a Class 2 municipality, the municipal court shall have jurisdiction over violations of this chapter.

(c) In any Class 2 municipality, in lieu of the penalties provide in Section 22-40A-19, the following penalties shall apply:



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57 (1) A person who accumulates scrap tires in violation
58 of this chapter as provided in Section 22-40A-19(a)(1), upon
59 conviction, shall be guilty of a Class C misdemeanor.

60 (2) A person who processes scrap tires in violation of
61 this chapter as provided in Section 22-40A-19(a)(2), upon
62 conviction, shall be guilty of a Class B misdemeanor.

63 (3) A person who transports scrap tires in violation of
64 this chapter as provided in Section 22-40A-19(a)(3), upon
65 conviction, shall be guilty of a Class A misdemeanor."

66 Section 2. This act shall become effective June 1,
67 2025.