

AMENDMENTS TO LB 40

(Amendments to AM1227)

1           1. Insert the following new section:

2           "Sec. 3. Section 66-1519, Revised Statutes Supplement,  
3 2004, is amended to read:

4           66-1519. (1) There is hereby created the Petroleum  
5 Release Remedial Action Cash Fund to be administered by the  
6 department. Revenue from the following sources shall be remitted  
7 to the State Treasurer for credit to the fund:

8           (a) The fees imposed by sections 66-1520 and 66-1521;

9           (b) Money paid under an agreement, stipulation,  
10 cost-recovery award under section 66-1529.02, or settlement; and

11           (c) Money received by the department in the form of  
12 gifts, grants, reimbursements, property liquidations, or  
13 appropriations from any source intended to be used for the purposes  
14 of the fund.

15           (2) Money in the fund may be spent for: (a)  
16 Reimbursement for the costs of remedial action by a responsible  
17 person or his or her designated representative and costs of  
18 remedial action undertaken by the department in response to a  
19 release first reported after July 17, 1983, and on or before June  
20 30, 2009, including reimbursement for damages caused by the  
21 department or a person acting at the department's direction while  
22 investigating or inspecting or during remedial action on property  
23 other than property on which a release or suspected release has

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1 occurred; (b) payment of any amount due from a third-party claim;  
2 (c) fee collection expenses incurred by the State Fire Marshal; (d)  
3 direct expenses incurred by the department in carrying out the  
4 Petroleum Release Remedial Action Act; (e) other costs related to  
5 fixtures and tangible personal property as provided in section  
6 66-1529.01; (f) interest payments as allowed by section 66-1524;  
7 (g) expenses incurred by the technical advisory committee created  
8 in section 81-15,189 in carrying out its duties pursuant to section  
9 81-15,190; (h) claims approved by the State Claims Board authorized  
10 under section 66-1531; (i) a grant to a city of the metropolitan  
11 class in the amount of three hundred thousand dollars, provided  
12 ~~within five days after October 1, 2003~~ no later than September 15,  
13 2005, to carry out the federal Residential Lead-Based Paint Hazard  
14 Reduction Act of 1992, 42 U.S.C. 4851 et seq., as such act existed  
15 on October 1, 2003; and (j) methyl tertiary butyl ether testing, to  
16 be conducted randomly at terminals within the state for up to two  
17 years ending June 30, 2003. The amount expended on the testing  
18 shall not exceed forty thousand dollars. The testing shall be  
19 conducted by the Department of Agriculture. The department may  
20 enter into contractual arrangements for such purpose. The results  
21 of the tests shall be made available to the Department of  
22 Environmental Quality.

23 (3) Transfers may be made from the Petroleum Release  
24 Remedial Action Cash Fund to the General Fund at the direction of  
25 the Legislature. Transfers may be made from the Petroleum Release  
26 Remedial Action Cash Fund to the Water Policy Task Force Cash Fund  
27 at the direction of the Legislature. The State Treasurer shall

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1 transfer one million five hundred thousand dollars from the  
2 Petroleum Release Remedial Action Cash Fund to the Ethanol  
3 Production Incentive Cash Fund on July 1 of each of the following  
4 years: 2004 through 2011.

5 (4) Any money in the Petroleum Release Remedial Action  
6 Cash Fund available for investment shall be invested by the state  
7 investment officer pursuant to the Nebraska Capital Expansion Act  
8 and the Nebraska State Funds Investment Act.".

9 2. On page 10, line 7, strike "section 71-812" and  
10 insert "sections 66-1519 and 71-812".

11 3. Renumber the remaining sections accordingly.