

SPEAKER BAACK: The Chair of the Natural Resources Committee, Senator Rod Johnson.

SENATOR R. JOHNSON: Thank you, Mr. Speaker, members. This is a significant bill in two respects, one it has an impact upon the petroleum marketers of our state as well as the consumers of petroleum in Nebraska. And, secondly, it has an impact upon the environment. As releases take place around the State of Nebraska, this fund that we established some years ago with the help of Senator Landis, who I think was the first sponsor of the LUST fund, is designed to bring about remedial action on petroleum spills or leaks. This bill has three basic, important components. I'm going to talk in somewhat abstract terms here, but rather than get very detailed at this point. The first is this bill addresses the basic funding mechanism of supporting the Petroleum Release Action Fund. Secondly, it sets in motion a trigger mechanism, when these increases in the petroleum funds will kick in. And, third, it addresses the issue of adding third party liability coverage under the Petroleum Release Action Fund. What the committee amendments have done, we have taken, basically, the recommendations from the DEC, in a bill, LB 781, the committee also heard and adopted or supplemented some of the things that they wanted to do into this bill. And I'd quickly like to read those to you, so you're understanding where we're coming from with some of these amendments. We add Section 11 which allows the DEC to audit persons who have received payments from this LUST fund, and increases the Petroleum Release Remedial Action fee from \$25 to \$75, that's the registration of the tanks fee. Secondly, in Section 18, we allow settlements of third party claims with the concurrence of the responsible party who may have caused the release, and the DEC, and the Attorney General. We also add Section 19 which allows the tangible property used in the remedial action to become state property after settling the proponent...proportionate share with the responsible party. We add Section 21, which allows the DEC access to property necessary for investigation or inspection during the remedial action, and to provide relief if the property is damaged by DEC personnel in their inspection. Section 23 increases the fire marshal's registration fee from \$25 to \$75, that was an inadvertent increase in that fee. And I have an amendment that is pending that will place that fee back to \$25. Section 25, we add the emergency clause so that the bill will go into effect when we pass it, if we pass it. And in Section 15 we changed