

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 24, 1999

LB 592

PRESIDENT MAURSTAD: Senator Smith.

SENATOR SMITH: Mr. President, I move the adoption of the E & R amendments to LB 592.

PRESIDENT MAURSTAD: The question is the adoption of the E & R amendments to LB 592. Those in favor say aye. Those opposed nay. The amendments are agreed to.

CLERK: Mr. President, Senator Preister would move to amend. (AM1905, Legislative Journal page 2351.)

PRESIDENT MAURSTAD: Senator Preister, you're recognized to open on your amendment to LB 592.

SENATOR PREISTER: Thank you, Honorable President, friends all. This amendment, basically, would allow the opportunity for the state to recoup any funds that may have been spent on the Scrap Tire Fund to deal with the scrap tire piles that needed to be cleaned up, in the event that the responsible party did not comply or was not operating within state law. It reads, it's a short amendment, "Any person who operates a scrap tire collection site in violation of state law which is the subject of abatement or cleanup as provided in section 81-15,161.01 shall be liable to the state of Nebraska for the reimbursement of expenses of such abatement or cleanup paid out of the fund." In effect, if someone, and there has been a situation where someone has had the site, was paid to collect the tires and leave them on the site and, because they became a problem in the community, then the community did get a grant to clean up that tire pile. The pile was cleaned up. It was, in effect, tire fund money that was utilized, but it was also really citizens' money that cleaned up that site. They footed the bill and an individual actually reaped the benefits of it and was also out of compliance with state law. This amendment would allow...it doesn't do more than allow for the opportunity for the state to attempt to recoup those funds when there is an abatement. An abatement would have to be in process, the monies would have to have been spent, and after that, if the Attorney General was willing to press charges to try and recoup this money, it would allow for that recouping. That's, in essence, what the bill does. It was primarily drafted by the law department in the