

Amendments to House Bill No. 57
1st Reading Copy

Requested by Representative Christopher Harris

For the House Natural Resources Committee

Prepared by Joe Kolman
January 21, 2005 (9:00am)

1. Page 4, line 5.
Following: "individual"
Strike: "or"
Insert: ", "
Following: "small business"
Insert: ", or school district"
2. Page 16, line 7.
Following: "individual"
Strike: "or"
Insert: ", "
Following: "33-27-103,"
Insert: "or a school district, as defined in 20-6-101,"
3. Page 16, line 19.
Following: "individual"
Strike: "or"
Insert: ", "
4. Page 16, line 20
Following: "business"
Insert: ", or school district"
5. Page 16, line 24.
Following: "sole"
Strike: "judicial"
6. Page 16, line 26.
Following: "Claims"
Insert: "must be submitted on a form approved by the department and"
7. Page 16, line 27.
Following: "obtained."
Insert: "Receipts for service must be included with the claim."
8. Page 16, line 29.
Strike: "state" through "action"
Insert: "private response"

9. Page 16, line 30.

Strike: "Prior" through "part,"

Insert: "At the time the department conducts the good faith investigation required under 75-10-745,"

10. Page 17, line 2 through line 3.

Following: "in" on line 2

Strike: remainder of line 2 through "recovery" on line 3

Insert: "an"

11. Page 17, line 11.

Insert: "(3) The potentially liable person may question whether the claimant has selected a reasonable alternative and may provide information to the department documenting its conclusions as to why a selected alternative is not reasonable. The department may use this information to adjust the claim."

Renumber: subsequent subsections

12. Page 17, lines 17 and 18.

Strike: ", must" on line 17 through "percentages" on line 18

Insert: "for each claim, must be paid in the same proportion as the proportion of the total amount sought in the complaint or order bears to the amount recovered"

13. Page 17, line 19.

Following: "interest."

Insert: "Interest accrues at the rate prescribed in 25-9-205 upon approval of the claim by the department."

14. Page 17, line 25.

Insert: "(9) The department is not liable for reimbursing a liable or potentially liable person under 75-10-715 for a claim that is later determined to have been fraudulent or noncertifiable and is not responsible for seeking reimbursement of the claim from the claimant. The person who paid the claim may seek reimbursement from the claimant."

15. Page 20, line 11

Strike: "6(7)"

Insert: "6(8)"

16. Page 20, line 12.

Strike: "and" through "costs"

17. Page 20, lines 13 and 14.

Strike: "and" on line 13 through "costs" on line 14

Following: "department" on line 14

Insert: "and may require the payment of private response costs, including interest"

18. Page 20, line 22

Strike: "6(7)"

Insert: "6(8)"

19. Page 22, lines 14 and 15.

Strike: ":" on line 14 through "(i)" on line 15

20. Page 22, line 15 through line 16.

Strike: "or" on line 15 through "costs;" on line 16

21. Page 22, line 19.

Strike: "and" through "costs"

22. Page 23, line 3.

Following: "expenses."

Insert: "However, if all the state's remedial action costs, interest, and penalties, if any, are paid by the liable person and the only outstanding costs are private response costs, the department is not required to bring an action to recover the private response costs."

23. Page 24, line 4.

Following: "individual"

Strike: "or"

Insert: ", "

Following: "small business"

Insert: ", or school district"

24. Page 24, line 7.

Following: "individual"

Strike: "or"

Insert: ", "

Following: "small business"

Insert: ", or school district"

- END -