EXHIBIT 6
DATE 4.1.05
SB 489

AMENDMENTS TO SENATE BILL NO. 489
(Third Reading Copy)

1. Title, line 8.
Following: "ACT"
Insert: "AND TO CONDUCT REMEDIATION ACTIVITES AT OTHER FACILITIES FOR WHICH THERE ARE NO POTENTIALLY LIABLE PERSONS THAT HAVE THE FINANCIAL RESOURCES TO REMEDIATE THE SITE WITHOUT FINANCIAL ASSISTANCE"

2. Page 8, line 13.
Insert: "(11)(a) Subject to (b) and (c), for the biennium beginning July 1, 2005, funds from the orphan share account may be used by to pay remediation costs at facilities at which there have been releases and for which:

(i) there is no potentially liable person; or

(ii) (A) the department determines that the potentially liable persons do not have sufficient financial resources to pay the costs of remediation; and

(B) the department enters into a cost share agreement with all potentially liable persons that the department determines have the financial ability to contribute to the remediation. The cost share ageement must provide that those persons will pay a proportionate share of the remediation costs, as determined by the department, taking into account their ability to pay.

(b) To be eligible for funding under (a), a facility that is an abandoned mine site must have been identified as a priority site on the department's priority mine sites list.

(c) The department may use funds under (a) only if the use:

(i) would not preclude use of the funds under (10); and

(ii) would leave the orphan share fund with a balance at the end of the biennium beginning July 1, 2005, that, with anticipated deposits, is adequate to fund the anticipated orphan shares in allocation processes for which a petition was filed pursuant to 75-10-745 prior [the effective date of this act] and all future transfers and expenditures that are required by laws existing on [the effective date of this act]."