

9 Amendments to Senate Bill No. 489
3rd Reading Copy

EXHIBIT VI
DATE 4.1.05
SB 489

Requested by Representative Christopher Harris

For the House Natural Resources Committee

Prepared by Joe Kolman
April 1, 2005 (1:30pm)

1. Title, page 1, line 8.

Following: "ACT"

Insert: "AND FOR CONDUCTING REMEDIATION ACTIVITIES AT OTHER FACILITIES FOR WHICH THERE ARE NO POTENTIALLY LIABLE PERSONS WHO HAVE THE FINANCIAL RESOURCES TO REMEDIATE THE SITE WITHOUT FINANCIAL ASSISTANCE"

2. Page 8, line 13.

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

(i) there are no potentially liable persons; 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 whom the department determines have the financial ability to contribute to the remediation. The cost-share agreement 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 subsection (11)(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 provided in subsection (11)(a) only if the use:

(i) would not preclude the use of the funds under subsection (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 the allocation processes for which a petition was filed pursuant to 75-10-745 prior to 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]."

- END -