

Amendments to Senate Bill No. 427
3rd Reading Copy

Requested by Senator Jesse Laslovich

For the House Natural Resources Committee

Prepared by Hope Stockwell
March 23, 2009 (2:54pm)

1. Title, page 1, line 8.

Strike: "REAL"

Insert: "SPECIAL USE"

2. Page 1, line 21.

Following: line 20

Insert: "(2) (a) "Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum or petroleum products from a petroleum storage tank into ground water, surface water, surface soils, or subsurface soils that occurred from a petroleum storage tank, as defined in 75-11-302.

(b) The term does not include a release from the following petroleum storage tanks:

(i) a tank located at a refinery or a terminal of a refiner;

(ii) a tank located at an oil and gas production facility;
or

(ii) a tank that is or was previously under the ownership or control of a railroad, except for a tank that was operated by a lessee of a railroad in the course of nonrailroad operations."

Renumber: subsequent subsections

3. Page 1, line 23.

Following: "based."

Insert: "The term includes reasonable attorney fees and costs incurred by the plaintiff."

4. Page 1, line 24.

Following: "real property"

Insert: "contaminated by a release from a petroleum storage tank, as defined in 75-11-302,"

5. Page 1, line 28.

Strike: "Damages"

Insert: "Restoration damages"

Strike: "real"

Insert: "special use"

6. Page 1, line 28 through page 2, line 2.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

7. Page 2, line 4.

Following: "fact"

Insert: "and may only be obtained pursuant to [sections 1 through 6]"

8. Page 2, line 5.

Following: "award of"

Insert: "other"

Strike: "for loss" through "property"

Insert: "allowed under common law and statute"

9. Page 2, line 8.

Strike: "[section 3(2)] may"

Insert: "[section 3], exclusive of damages awarded for attorney fees and costs, must"

Strike: "only"

10. Page 2, line 13.

Following: "(1)."

Insert: "The plaintiff may create a trust to be overseen by a qualified professional to restore the special use property."

11. Page 2, line 16.

Following: the first "for"

Insert: "restoration"

Strike: "real"

Insert: "special use"

12. Page 2, line 17.

Strike: "or to be taken at or having an effect on"

Insert: "at or ordered for"

Strike: "real"

Insert: "special use"

13. Page 2, line 18.

Following: "75"

Insert: ", chapter 11"

14. Page 2, line 19 through line 20.

Strike: "the Comprehensive" on line 19 through "seq., or" on line 20

15. Page 2, line 23.

Following: "action for"

Insert: "restoration"

16. Page 2, line 24 through line 27.

Strike: "real" on line 24

Insert: "special use"

Strike: ":" on line 24 through "(2)" on line 27

17. Page 2, line 27 through page 3, line 2.

Following: "use property" on page 2, line 27

Strike: "if the" on page 2, line 27 through "contamination" on page 3, line 2

18. Page 3, line 5.

Strike: the first "1"

Insert: "11"

Strike: the second "1"

Insert: "11"

19. Page 3, line 6.

Following: line 5

Insert: "NEW SECTION. Section 8. Nonseverability. It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."

Renumber: subsequent sections

- END -