

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

February 26, 2025

SENATE FLOOR AMENDMENT number _____ to SENATE JUDICIARY COMMITTEE
SUBSTITUTE FOR SENATE BILLS
21 & 22

Amendment sponsored by Senator William E. Sharer

1. On page 36, strike lines 11 and 12 and insert in lieu thereof:

"D. respond to, investigate and remediate water pollution and contamination in soil and soil vapor; provided that in its investigation, the department shall identify responsible parties and shall prepare a written report of the investigation; and provided further that prior to remediation of water pollution and soil contamination in soil and soil vapor, the department shall:

(1) prepare a work plan consistent with rules adopted by the commission;

(2) issue public notice of the work plan; and

(3) provide opportunities for public comment and participation in accordance with rules adopted by the commission;".

2. On page 45, line 23, strike "or".

3. On page 45, strike lines 24 and 25 and insert in lieu thereof:

"(4) an act authorized by and in compliance with a permit issued pursuant to the Water Quality Act;

(5) a party that holds only a security interest in property where there has been water pollution;

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(6) a party who is an innocent purchaser or a bona fide prospective purchaser as defined in 42 U.S.C. 9601;

(7) a party who owned or operates property where water pollution has migrated onto the property from a property not owned or operated by that party;

(8) a party acting as a fiduciary in accordance with its fiduciary duty for property where there has been water pollution; or

(9) any combination of Paragraphs (1) through (8) of this subsection."

4. On page 46, strike lines 1 through 8 and insert in lieu thereof:

"D. Any person who incurs costs associated with an abatement plan as approved by the department consistent with the rules adopted by the commission may file an action in district court to seek contribution from any other person who is liable or potentially liable with respect to the release of water contaminants pursuant to the Water Quality Act. In resolving contribution claims, the court may allocate response costs among liable parties using such equitable factors as the court determines are appropriate. Nothing in this subsection shall diminish the right of any person to bring an action for contribution under any other law.

E. The department may bring an action in district court against any responsible party to recover response or remediation costs. The department may settle the liability of any responsible party for response or remediation costs through an administratively or judicially approved settlement."

5. Reletter the succeeding subsection accordingly.

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William E. Sharer

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____