

2nd Sub. S.B. 40 STORAGE TANKS AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 25, 2021 2:32 PM

Senator **David P. Hinkins** proposes the following amendments:

1. *Page 26, Lines 773 through 781:*

773 (6) (a) Any responsible party who incurs costs under this part in excess of [his] ~~{the}~~ that
774 party's liability and who gave at least 30 days prior written notice to other responsible parties of the
775 intent to incur costs and seek contribution under this part
776 may seek contribution from any other responsible party to whom the prior written notice was given
777 and who is or may be liable under this part for the
778 excess costs in the district court. =
779 (b) The recovery of costs in this Subsection (6) is not conditioned
780 on the initiation or issuance by the director of any action or order allocating liability in
781 accordance with the director's discretionary authority to do so under Subsection (1).
778 ~~{(b)}~~ It is the intent of the Legislature that the amendment to this Subsection (6) (b) by this
779 bill apply retroactively because the amendment only clarifies the Legislature's original intent to
780 grant a private cause of action to any responsible party to allow that responsible party to seek
781 contribution that is not
781 dependent upon any action taken by the director.