

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 868

Introduced by Bostelman, 23.

Read first time January 03, 2024

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Cash
- 2 Fund; to amend section 66-1519, Revised Statutes Cumulative
- 3 Supplement, 2022; to extend a sunset date; to repeal the original
- 4 section; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 66-1519, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 66-1519 (1) There is hereby created the Petroleum Release Remedial
4 Action Cash Fund to be administered by the department. Revenue from the
5 following sources shall be remitted to the State Treasurer for credit to
6 the fund:

7 (a) The fees imposed by sections 66-1520 and 66-1521;

8 (b) Money paid under an agreement, stipulation, cost-recovery award
9 under section 66-1529.02, or settlement; and

10 (c) Money received by the department in the form of gifts, grants,
11 reimbursements, property liquidations, or appropriations from any source
12 intended to be used for the purposes of the fund.

13 (2) Money in the fund may be spent for: (a) Reimbursement for the
14 costs of remedial action by a responsible person or his or her designated
15 representative and costs of remedial action undertaken by the department
16 in response to a release first reported after July 17, 1983, and on or
17 before June 30, ~~2028~~ 2024, including reimbursement for damages caused by
18 the department or a person acting at the department's direction while
19 investigating or inspecting or during remedial action on property other
20 than property on which a release or suspected release has occurred; (b)
21 payment of any amount due from a third-party claim; (c) fee collection
22 expenses incurred by the State Fire Marshal; (d) direct expenses incurred
23 by the department in carrying out the Petroleum Release Remedial Action
24 Act; (e) other costs related to fixtures and tangible personal property
25 as provided in section 66-1529.01; (f) interest payments as allowed by
26 section 66-1524; (g) claims approved by the State Claims Board authorized
27 under section 66-1531; (h) the direct and indirect costs incurred by the
28 department in responding to spills and other environmental emergencies
29 related to petroleum or petroleum products; and (i) up to one million
30 five hundred thousand dollars each fiscal year of the department's cost-
31 share obligations and operation and maintenance obligations under the

1 federal Comprehensive Environmental Response, Compensation, and Liability
2 Act of 1980, 42 U.S.C. 9601 et seq.

3 (3) Transfers may be made from the Petroleum Release Remedial Action
4 Cash Fund to the General Fund at the direction of the Legislature.

5 (4) Transfers may be made from the Petroleum Release Remedial Action
6 Cash Fund to the Superfund Cost Share Cash Fund at the direction of the
7 Legislature.

8 (5) Any money in the Petroleum Release Remedial Action Cash Fund
9 available for investment shall be invested by the state investment
10 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
11 State Funds Investment Act.

12 Sec. 2. Original section 66-1519, Revised Statutes Cumulative
13 Supplement, 2022, is repealed.

14 Sec. 3. Since an emergency exists, this act takes effect when
15 passed and approved according to law.