PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1404

Page 1, line 3, replace "a" with "five" and replace "subsection" with "subsections"

Page 2, line 15, replace "April 28" with "July 1"

Page 2, line 16, replace "April 28" with "July 1"

Page 2, line 18, replace "A" with "Five" and replace "subsection" with "subsections"

Page 2, line 19, replace "is" with "are"

Page 2, replace lines 20 through 28 with:

> "The fund shall pay a judgment against an owner, operator, or dealer awarded to a third party as a result of a third-party claim against an owner, operator, or dealer covered by the fund, excluding claims for punitive damages or damages for criminal acts.
>
> The fund shall pay for corrective action as awarded to a third party in any judgment against an owner, operator, or dealer.
>
> Liability of the fund to third parties may not exceed, per person, the maximum liability allowed per person under subsection 2 of section 32-12.2-02. Maximum liability of the fund, including all claims by third parties, may not exceed, for any release site, the maximum provided in section 18 of chapter 299 of the 1991 Session Laws.
>
> A third party may not bring an action against any owner, operator, or dealer more than three years after a corrective action plan has been approved by the department if the owner, operator, or dealer fully implements and complies with the corrective action plan.
>
> In investigating a release site or reviewing the implementation of any corrective action plan approved by the department, the department shall determine whether the release currently threatens public health or the environment. The department shall require, based on science and technology appropriate for the site, any monitoring, remediation, or other appropriate corrective action that is reasonably necessary to protect public health or the environment. The department may require corrective action at a release site at any time after a release occurs."

Page 3, line 2, replace "June 30, 2001" with "July 31, 2009"

Renumber accordingly