

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 06/23/99

Received By: isagerro

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Dake

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Alt. Drafters:

Subject: **Transportation - highways**  
**Transportation - miscellaneous**

Extra Copies: **PEN**  
**TNF**

**Pre Topic:**

ARC:.....Dake - Am #--,

**Topic:**

Offsite contamination source liability exemption

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	isagerro 06/23/99	ygeller 06/23/99		_____			
/1			martykr 06/23/99	_____	lrb_docadmin 06/23/99		

FE Sent For:

<END>

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1?	isagerro	1 6/23 jlg	kmh	lt b 2/23			

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<END>

estimated transportation fund revenue by \$454,300 in 2000-01 to reflect this modification. The amount of the reduction in PR revenue is less than the increase in transportation fund revenue because, under the substitute amendment, the Department of Commerce would not collect the counter service charge or the \$7.50 supplemental title transfer fee. The amount of transportation fund revenue restored under this item would be \$28,000 less than revenue reduction in the substitute amendment because the Department of Commerce would not collect the counter service charge that is currently levied by DOT.

25. *Milk Truck Weight Limits.* Modify a current law provision that allows vehicles or combinations of vehicles carrying exclusively milk from the point of production to the primary market or the return of dairy supplies and dairy products from the primary market to the farm, to carry heavier allowable loads than are normally allowed, by specifying that the normal allowable weights for such vehicles may be exceeded by 2,000 pounds for groups of three or more consecutive axles that are nine feet or more apart, rather than, under current law, more than nine feet apart. Specify that this provision would first apply to vehicles operated on the effective date of the bill. Since current law specifies that axle distances be rounded to the nearest foot, the effect of this change would be to extend the 2,000 pound provision to those vehicles having three or more consecutive axles that are eight and one-half feet to just under nine and one-half feet apart. This item would restore a provision in the Governor's bill that was removed from the bill by the Joint Committee on Finance as a non-fiscal, policy item.

26. *All-Terrain Vehicles Operated on Highways.* Specify that that the restrictions against the operation of an all-terrain vehicle on a highway do not apply to the operator of an all-terrain vehicle who is engaged in land surveying operations, if safety does not require strict adherence to those restrictions. Under current law, there are already exceptions from these restrictions for the operator of an all-terrain vehicle that is owned by a municipality, state agency or public utility, if operated in an emergency or in the course of operations directly related to the functions of the municipality, state agency or public utility.

27. *Review of DOT Long-Range Transportation Plans.* Delete a provision of the Joint Committee on Finance's substitute amendment that would require DOT to submit any proposed long-range transportation plan to the Committee for review under a 14-day passive review process.

28. *Offsite Contamination Source Liability Exemption.* Exempt state agencies that own properties from liability for hazardous discharges when the source of the contamination originated from outside the property boundaries and the agency did not cause or contribute to the contamination. This provision would treat state agencies similarly to other persons that own properties that are affected by contamination that originates from outside the property boundaries.

29. *Comprehensive Planning.* Delete the provisions recommended by the Governor and modified by the Joint Committee on Finance related to comprehensive planning and the transfer of funding from DOT to DOA for planning grants to local governments. Delete the provisions recommended by the Joint Committee on Finance regarding state agency actions.

ARC

1999 - 2000 LEGISLATURE

LRB-1022/P1

PEN:AM:km

ISR: jlg

b1029/1

DOA:.....Etzler - Off-site contamination liability exemption

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

seem

At the locations indicated, amend the substitute amendment as follows:

- 1 AN ACT ...; relating to: exempting state agencies for liability for property affected
- 2 by off-site discharges of hazardous substances.

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**SOLID AND HAZARDOUS WASTE**

With specific exceptions, current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. If the person does not take these actions, the department of natural resources (DNR) may contain or remove the hazardous substance or take any other appropriate emergency action. The person who failed to respond to the discharge is required to reimburse DNR for the costs that DNR incurs in responding to the discharge.

Under one such exception, a person who owns land where a hazardous substance is present in the soil or groundwater is not required to restore the environment or minimize the harmful effects of the hazardous substance if the person demonstrates that the hazardous substance was originally discharged on another's land and that the person did not possess or control the hazardous substance on that other land or cause the original discharge; the person allows DNR or the responsible parties access to the property to respond to the discharge; and the person agrees to avoid worsening the contamination and to take specific actions to

*Mem. # 3. Page 1282, line 2; after that line insert:*

~~facilitate DNR's response. A person who satisfies these conditions is also exempt from liability for DNR's costs of responding to the discharge. This exemption does not apply to state agencies who own land.~~

~~This bill makes this exemption applicable to state agencies.~~

~~For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.~~

~~*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*~~

*2581r ← 3*

1 SECTION ~~10~~ 292.13 (1) (intro.) of the statutes is amended to read:

2 292.13 (1) EXEMPTION FROM LIABILITY FOR GROUNDWATER CONTAMINATION. (intro.)

3 A person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and  
4 (c) with respect to the existence of a hazardous substance in the groundwater on  
5 property possessed or controlled by the person if all of the following apply:

*2581w ← 3*

6 SECTION ~~20~~ 292.13 (1m) (intro.) of the statutes is amended to read:

7 292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A  
8 person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and (c)  
9 with respect to the existence of a hazardous substance in the soil on property  
10 possessed or controlled by the person if all of the following apply: ')

11

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1029/1  
ISR;jlg:km

ARC:.....Dake - Am #—, Offsite contamination source liability exemption  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION  
CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1282, line 21: after that line insert:

3 **"SECTION 2581r.** 292.13 (1) (intro.) of the statutes is amended to read:

4 **292.13 (1) EXEMPTION FROM LIABILITY FOR GROUNDWATER CONTAMINATION.** (intro.)

5 A person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and  
6 (c) with respect to the existence of a hazardous substance in the groundwater on  
7 property possessed or controlled by the person if all of the following apply:

8 **SECTION 2581w.** 292.13 (1m) (intro.) of the statutes is amended to read:

9 **292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION.** (intro.) A  
10 person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and (c)

1 with respect to the existence of a hazardous substance in the soil on property  
2 possessed or controlled by the person if all of the following apply:"

3 (END)