1999 SENATE BILL 356

February 1, 2000 – Introduced by Senators Wirch, Huelsman and Schultz, cosponsored by Representatives Jensen, Vrakas, Pettis, Kelso, Stone, Gundrum, Kedzie, Ladwig, Owens, Kreuser, Duff, Hoven, Olsen, Walker, Turner, Staskunas, Musser, Kreibich, Sykora, Spillner, Albers and Porter. Referred to Economic Development, Housing and Government Operations.

AN ACT to renumber and amend 292.35 (2); and to create 292.35 (1) (am) and 292.35 (2) (b) of the statutes; relating to: applicability of the local governmental unit negotiation and cost-recovery process for contaminated property.

Analysis by the Legislative Reference Bureau

Current law authorizes a local governmental unit that owns property that is contaminated with hazardous substances to initiate a process for negotiating about how the contamination will be remedied and how much the various parties that are responsible for the contamination will contribute toward the investigation and remedial action costs. The negotiations are conducted by an umpire. If an agreement is reached, it is binding on the parties. If an agreement is not reached, the umpire makes a recommendation that may be accepted or rejected by the parties. If the local governmental unit accepts the recommendation and another party rejects the recommendation, the local governmental unit may sue that party to attempt to recover a portion of the investigation and remedial action costs. If the local governmental unit recovers an amount equal to or exceeding the amount that the party would have paid under the umpire's recommendation, the local governmental unit may recover interest and litigation costs.

This bill expands the applicability of this negotiation and cost–recovery process so that it may be used by a local governmental unit that does not own a contaminated property if the local governmental unit commits itself to paying more than 50% of the

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investigation and remedial action costs, less any financial assistance received, for the contaminated property.

For further information see the *local* 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:

1	Section 1. 292.35 (1) (am) of the statutes is created to read:
2	292.35 (1) (am) "Financial assistance" means money, other than a loan,
3	provided by a governmental unit that is not a responsible party to pay a portion of
4	the cost of investigation and remedial action for a site or facility.
5	Section 2. 292.35 (2) of the statutes is renumbered 292.35 (2) (intro.) and
6	amended to read:
7	292.35 (2) Applicability: Generally. (intro.) This section only applies to a site
8	or facility if the one of the following criteria is satisfied:
9	(a) The site or facility is owned by a local governmental unit.
10	(2c) Applicability; Landfills. This section does not apply to a landfill until
11	January 1, 1996.
12	Section 3. 292.35 (2) (b) of the statutes is created to read:
13	292.35 (2) (b) A local governmental unit commits itself, by resolution of its
14	governing body, to paying more than 50% of the amount equal to the cost of
15	investigation and remedial action for the site or facility less any financial assistance
16	received for the site or facility.

(END)