

1999 DRAFTING REQUEST**Bill**Received: **08/24/1999**Received By: **traderc**Wanted: **As time permits**

Identical to LRB:

For: **Daniel Vrakas (608) 266-3007**By/Representing: **Greg Hubbard**

This file may be shown to any legislator: NO

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Applicability of local governmental unit negotiation and cost recovery process for environmental cleanups

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>Reaured</u>
/?	traderc 09/24/1999	jgeller 09/24/1999		_____			Local
/1			martykr 09/27/1999	_____	lrb-docadmin 09/27/1999	lrb_docadmin 10/07/1999	Local
/2	traderc 10/19/1999	gilfokm 10/19/1999	martykr 10/19/1999	_____			Local
/3	traderc 11/02/1999	gilfokm 11/03/1999	hhagen 11/03/1999	_____	lrb-docadmin 11/03/1999	lrb-docadmin 11/03/1999	

FE Sent For:

<END>

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/1		12-10-19-99 kmq	martykr 09/27/1999	_____	lrb_docadmin 09/27/1999	lrb_docadmin 10/07/1999	
FE Sent For:		13-11-3-99 kmq	10/19 hh#13	10/19 hh#13	1/2 not submitted		
				<END> hh#13			

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/?	traderc 09/24/1999	j geller 0912411999		_____			Local
/1			martykr 0912711999	_____	lrb_docadmin 09/27/1999		

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/?	traderc	11 9/24 Jlg	km 9/24	HH 9/27 km 27			

FE Sent For:

<END>



LEGISLATIVE REFERENCE BUREAU

Legal Section, 5th Floor, 100 N. Hamilton St.
 (608) 266-3561

BILL REQUEST FORM

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
 Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 8/24/99	Legislator or agency requesting this draft: Rep. Urakas
Name/phone number of person submitting request: Rep Urakas / Greg Hubbard 6-7274	
Persons to contact for questions about this draft (names and phone numbers please): Greg Hubbard 6-7274	
Describe the problem, including any helpful examples. How do you want to solve the problem? Attached is a Leg. Council Draft. It amends Sec. 292.35(2) of the Statutes, changing the applicability of the law. Mark Patrosky worked on the Draft.	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:

100



1999 BILL

Regen

1 **AN ACT** to renumber and amend 292.35 (2); and to create 292.35 (2) (b) of the
2 statutes; **relating to:** applicability of the local governmental unit negotiation
3 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 investigation and remedial action costs for the contaminated property.

11/11/11

11/11/11

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 09/27/1999

To: Representative Vrakas

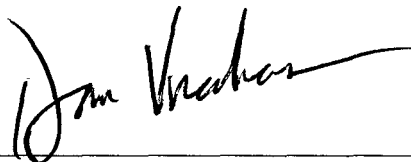
Relating to LRB drafting number: LRB-3498

Topic

Applicability of local governmental unit negotiation and cost recovery process for environmental cleanups

Subject(s)

Environment - env. cleanup



1. **JACKET** the draft for introduction _____

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Managing Attorney
Telephone: (608) 266-7290

Tradewell, Becky

From: Sobocinski, Ray
Sent: Thursday, October 14, 1999 12:34 PM
To: Tradewell, Becky
Subject: LRB - 3498/1

Becky,

As I mentioned in my voicemail, on line 9, under Section 2, can the underlined be inserted to the sentence beginning:

“A local governmental unit commits itself, by resolution of the governing body, to paying more than **50%** of the cost of investigation and remedial action for the site or facility.”

Let me know when you get a chance. Thanks for all your efforts!

Ray Sobocinski
Office of Senator Joanne B. Huelsman
State Capitol - Room 5 South
Post Office Box 7882
Madison, WI 53707-7882
608-266-2635

*Today, if possible**1/11/99***1999 BILL**

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

Analysis by the Legislative Reference Bureau

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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 investigation and remedial action costs for the contaminated property.

10/19/99 Per Ray Sobocinski -

They want the 50% to not be measured against all costs, but against all costs minus the amount of any "grants" from other governmental sources.

RET



redraft
maker
run

1999 ASSEMBLY BILL

↓ regenerate

1 **AN ACT** to renumber and amend 292.35 (2); and to create 292.35 (2) (b) of the
2 statutes; **relating to:** applicability of the local governmental unit negotiation
3 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 investigation and remedial action costs for the contaminated property.

less any financial assistance received,

ASSEMBLY BILL

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:

✓
Inset
A →

SECTION 1. 292.35 (2) of the statutes is renumbered 292.35 (2) (intro.) and amended to read:

292.35 (2) **APPLICABILITY; GENERALLY.** (intro.) This section only applies to a site or facility if ~~the~~ one of the following criteria is satisfied:

(a) The site or facility is owned by a local governmental unit.

(2c) **APPLICABILITY: LANDFILLS.** This section does not apply to a landfill until January 1, 1996.

SECTION 2. 292.35 (2) (b) of the statutes is created to read:

292.35 (2) (b) A local governmental unit commits itself, by resolution of its governing body, to paying more than 50% of ^{amount equal to the} ~~the~~ cost of investigation and remedial action for the site or facility. Inset B

(END)

BILL

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 Inset

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 A 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.

17 ~~(END)~~

Inset B

Smith, Irma

From: Pleva, Brian
Sent: Friday, January 21, 2000 1:23 PM
To: Smith, Irma
Subject: LRB 3498/3

I give the Legislative Reference Bureau permission to release LRB 3498/3 to the Speaker's office.

Brian Pleva

Office of Rep. Dan Vrakas

(608) 264-8668