

1999 DRAFTING REQUEST

Bill

Received: **09/23/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wong**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Environment - solid haz. waste**

Extra Copies: **RCT**

Topic:

DOA:.....Wong - Limitation of voluntary party 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>
/?	nilsepe 09/23/98	ygeller 09/23/98		_____			
/P1	nilsepe 02/2/99	ygeller 02/2/99	lpaasch 09/24/98	_____	lrb_docadmin 09/24/98		
/1			hhagen 02/2/99	_____	lrb_docadmin 02/2/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **09/23/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Natural Resources**

By/Representing: **Eric Ebersberger**

This file may be shown to any legislator: **NO**

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May Contact:

Alt. Drafters:

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limitation of voluntary party liability exemption

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/?	nilsepe 09/23/98	jgeller 09/23/98		_____			
/P1		1 3/2 jg	lpaasch 09/24/98	_____	lrb_docadmin 09/24/98		
			CA 2/2	4/15 2/2			

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<END>

1999 DRAFTING REQUEST

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Wanted: As time permits

Identical to LRB:

For: Natural Resources

By/Representing: Eric Ebersberger

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1?	nilsepe	P1-9-23-98-KG	9-24 LT	9-24-LT <u>JP</u>			

FE Sent For:

<END>

Division: Air/Waste

Bureau: Remediation and Redevelopment

Issue/Topic: Clarify that the Voluntary Party Liability Exemption, Wis. Stat. s. 292.15, only applies to releases that occur prior to participation in Voluntary Party program.

Proposed Change: (2) EXEMPTION FROM LIABILITY. (a) Except as provided in sub. (6), a voluntary party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules promulgated under those provisions, with respect to the existence of a hazardous substance on the property, the release of which occurred prior to the date that the environmental investigation of the property was approved by the department under sub. (2) (a) 1., if all of the following occur at any time before or after the date of acquisition:
1.

Explanatory Note: The statute, as written, does not clearly explain that any releases caused subsequent to the investigation and cleanup of a release under s. 292.15, Stats., are not covered by the exemption. The proposed change makes it clear that persons are not exempt from liability for future releases that they cause.

Desired Effective Date: Effective Date of Budget

Contact: Eric Ebersberger, MB/5, 266-0818; Darsi Foss, RR/3, 267-6713

1999

Date (time) needed _____

LRB - 0285, P1

BILL

PEN: jlg: _____

Use the appropriate components and routines developed for bills.

do not gen

AN ACT... ~~generate catalog~~ to repeal...; to renumber...; to consolidate and renumber...; to renumber and amend...; to consolidate, renumber and amend...; to amend...; to repeal and recreate...; and to create... of the statutes; relating to: the budget.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create → anal: → title: → head

For the subheading [old =S], execute: create → anal: → title: → sub

For the sub-subheading [old =P], execute: create → anal: → title: → sub-sub

anal: head → ENVIRONMENT

and: sub → Solid and Hazardous Waste

D-Note

insert π →

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

SECTION #.



Sec. #. Am. 292.15(2)(a)(intro.)

plain

292.15(2)(a)

(a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), ~~289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8)~~, and rules promulgated under those provisions, with respect to the existence of a hazardous substance on the property, if all of the following occur at any time before or after the date of acquisition:

the release of which occurred
prior to the date on which the
department approves the environmental
investigation of the property under subd. ~~1.~~ 1.

(END) ✓

D-NOTE



1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRE-0283/P/ins
PEN.....

-0285/P1
inSEA
A

Under current law, a person who did not intentionally or recklessly cause the release of a hazardous substance on property (voluntary party) is exempted from certain types of environmental liability for the contaminated property if the person meets certain conditions. One such exemption exempts the person from payment of

an environmental repair fee, a fee based on the tonnage of contaminated material from the property that is ultimately placed in a solid or hazardous waste disposal facility. This bill eliminates the exemption from the environmental repair fee for voluntary parties who the department of natural resources has not yet certified as having satisfied the required conditions for the environmental liability exemptions.

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

SECTION 1. 292.15 (2) (a) (intro.) of the statutes is amended to read:

292.15 (2) (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules promulgated under those provisions, with respect to the existence of a hazardous substance on the property, if all of the following occur at any time before or after the date of acquisition:

History: 1993 a. 453; 1995 a. 225; 1995 a. 227 s. 712, 714, 715; 1997 a. 27, 237.

20
The exemptions apply with respect to all hazardous substances on the property, regardless of whether the hazardous substances were released before or after the conditions are met. This bill specifies that the exemptions apply only with respect to hazardous substances released on the property before the department of natural resources (DNR) approves an environmental investigation of the property, one of the necessary conditions for the exemptions to apply. (END insert)

-0285/PIDW

¶ There may be considerable time between the completion of the environmental investigation (which would disclose any hazardous substances on the property) and the date on which the department approves the investigation.

Releases occurring in this time will be exempted under the draft language.

¶ This language is similar to language repealed from S. 292.15 (2)(a) (intro.) by 1997 Wisconsin Act 27. See

(,stats.,) -PEN

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0285/P1dn

PEN:jlg:lp

September 24, 1998

There may be considerable time between the completion of the environmental investigation (which would disclose any hazardous substances on the property) and the date on which the department approves the investigation. Releases occurring in this time will be exempted under the draft language.

This language is similar to language repealed from s. 292.15 (2) (a) (intro.), stats., by 1997 Wisconsin Act 27.

Paul E. Nilsen
Legislative Attorney
261-6926



WFO -
Fix topic
line on
request
sheet

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

SOLID AND HAZARDOUS WASTE

Under current law, a person who did not intentionally or recklessly cause the release of a hazardous substance on property (voluntary party) is exempted from certain types of environmental liability for the contaminated property if the person meets certain conditions. The exemptions apply with respect to all hazardous substances on the property, regardless of whether the hazardous substances were released before or after the conditions are met. This bill specifies that the exemptions apply only with respect to hazardous substances released on the property before the department of natural resources (DNR) approves an environmental investigation of the property, one of the necessary conditions for the exemptions to apply.

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

- 2 **SECTION 1.** 292.15 (2) (a) (intro.) of the statutes is amended to read:
- 3 292.15 (2) (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is
- 4 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25

1 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
 2 promulgated under those provisions, with respect to the existence of a hazardous
 3 substance ^{substance} on the property, ^{it} the release of ~~which~~ ^{those hazardous substances} occurred prior to the date on which
 4 the department approves the environmental investigation of the property under
 5 subd. 1 ^{and} if all of the following occur at any time before or after the date of acquisition:

6

~~from~~

or originating from a ✓

NOTE: ^(CS) This draft ^(LRB-0285/1) is reconciled with
 LRB-1422/P2. Both drafts should continue
 to appear in the compiled bill.

(END) ✓



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0285/1
PEN;jlg:hmh

DOA:.....Wong - Limitation of voluntary party liability exemption
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

SOLID AND HAZARDOUS WASTE

Under current law, a person who did not intentionally or recklessly cause the release of a hazardous substance on property (voluntary party) is exempted from certain types of environmental liability for the contaminated property if the person meets certain conditions. The exemptions apply with respect to all hazardous substances on the property, regardless of whether the hazardous substances were released before or after the conditions are met. This bill specifies that the exemptions apply only with respect to hazardous substances released on the property before the department of natural resources (DNR) approves an environmental investigation of the property, one of the necessary conditions for the exemptions to apply.

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1 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
2 promulgated under those provisions, with respect to ~~the existence~~ discharges of a
3 hazardous ~~substance~~ substances on the or originating from a property, if the release
4 of those hazardous substances occurred prior to the date on which the department
5 approves the environmental investigation of the property under subd. 1. and if all
6 of the following occur at any time before or after the date of acquisition:

***NOTE: This draft (LRB-0285/1) is reconciled with LRB-1422/P2. Both drafts
should continue to appear in the compiled bill.

7

(END)