

Nicholas -10

99 LSO -1543

HOUSE BILL

2280

HOUSE BILL 2280

Title:

HB0280 Storage tanks-corrective action costs.

AN ACT relating to public health and safety; providing for recovery of costs for the corrective action account for underground storage tanks as specified; and providing for an effective date.

Introduced by:

Rep. Nicholas

HOUSE ACTION ON HOUSE BILL

1/28 ☒ Introduced
Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to
Committee No. 10
☐ Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
2/1 Returned from Committee No. 10
with Recommendation:
☒ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
 Re-referred to Committee No. ___
 Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
 Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
 Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
 Read Third Time
☐ Amended
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
 Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
 Sent to Senate (No Amendments)
 Sent to LSO for Engrossing
 ENGROSSED
 Sent to Senate

SENATE ACTION ON HOUSE BILL

 Received. Read First Time.
 Referred to Committee No. ___
 Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
 Re-referred to Committee No. ___
 Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
 Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
 Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
 Read Third Time
☐ Amended
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
 Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
 Sent to House
 Sent for Enrolling
HEA No. ___
 Signed by Speaker
 Signed by President
 Approved by Governor
Chapter No. ___

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

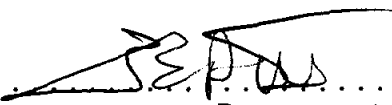
Cheyenne, February 1, 1999
9:32am

Mr. Speaker:

Your
Committee No. 10 on **LABOR, HEALTH & SOCIAL SERVICES** to whom was referred
HB0280 respectfully reports same back to the House with the
recommendation that it
DO PASS.

	AYES	NOES	ABSENT	EXCUSED	CONFLICT
McMURTREY	X				
LANDON	X				
FLEMING	X				
MEULI	X				
ZANETTI	X				
OSBORN	X				
ROSS	X				
PARADY	X				
HUCKFELDT		X			

AYES = 8
NOES = 1
ABSENT = 0
EXCUSED = 0
CONFLICT = 0
TOTAL = 9

..... 
Representative Fred Parady, Chairman

BILL JACKET

HOUSE BILL NO. HB0280

Storage tanks-corrective action costs.

Sponsored by: Representative(s) Nicholas and Senator(s)
Hinchey

A BILL

for

1 AN ACT relating to public health and safety; providing for
2 recovery of costs for the corrective action account for
3 underground storage tanks as specified; and providing for an
4 effective date.

5

6 Be It Enacted by the Legislature of the State of Wyoming:

7

8 Section 1. W.S. 35-11-1424(g)(intro), (i) and
9 (h)(intro) is amended to read:

10

11 35-11-1424. Corrective action account created; use of
12 monies; cost recovery.

13

14 (g) The department may, by an action brought by the
15 attorney general against an owner or operator, recover
16 reasonable and necessary expenses incurred by the department
17 in taking a corrective action. These recoverable expenses

1 include but are not limited to costs of investigating a
2 release, administrative costs and reasonable ~~attorney~~
3 attorney's fees. The department's certification of expenses
4 is prima facie evidence the expenses are reasonable and
5 necessary. Expenses recovered under this section shall be
6 deposited in the corrective action account unless otherwise
7 required by state or federal law. The department may sue
8 for recovery of expenses only if:

9
10 (i) The owner or operator has failed to take the
11 actions required for that site in subsection (d) of this
12 section. ~~for~~

13
14 (h) The state has a right of subrogation to any
15 insurance policies in existence at the time of the release
16 to the extent of any rights the owner or operator may have
17 had under that policy. This right of subrogation shall apply
18 regardless of the owner or operator's eligibility to use
19 corrective action account monies under subsection (d) of
20 this section. The department, through the attorney general,
21 may bring an action against any insurance company for
22 recovery of all environmental response costs and other costs
23 incurred and to be incurred by the state, which costs are
24 related to qualifying facilities under this article and for
25 which costs policyholders of the insurance company may be

1 liable. Notwithstanding any provision of any existing or
2 future policy to the contrary, no assignment of any rights
3 of a policyholder to the state and no judgment against the
4 policyholder is required as a condition for the state
5 bringing an action under this section to determine, in a
6 single action against the insurance company, both the
7 policyholder's liability and the insurance company's
8 obligation to provide coverage. Nothing in this article
9 shall be construed to relieve any policyholder of liability
10 for corrective action costs to the extent of any insurance
11 coverage of the policyholder by reason of the assumption of
12 responsibilities by the state for corrective action costs.
13 In any action under this section, the state shall hold the
14 same rights as individual policyholders under statutory and
15 common law and shall have the same rights to recover its
16 expenses. In implementing this section the department
17 shall:

18

19 **Section 2.** W.S. 35-11-1424(g)(ii) is repealed.

20

21 **Section 3.** This act is effective July 1, 1999.

22

23

(END)

Storage tanks-corrective action costs.

99LSO-0543.L2

FISCAL NOTE

The fiscal impact is indeterminable.

HB 280