

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass the A-Engrossed Measure

Vote: 5 - 0 - 1

Yeas: Atkinson, Burdick, Girod, Starr, Beyer

Nays: 0

Exc.: Edwards

Prepared By: Richard Berger, Administrator

Meeting Dates: 5/19

WHAT THE MEASURE DOES: Allows Department of Environmental Quality to provide property owner with release from liability for existing spills or releases of oil and for prior entry of oil into state waters. Provides that release may be accomplished by administrative consent order or judicial consent judgment. Specifies provisions do not affect owner's liability where spill or release of oil or hazardous substance, or release of oil into state waters, occurs after transfer of ownership or is exacerbated or contributed to by owner, or where owner is otherwise negligent or in violation of law. Provides liability release to purchaser of land or facility already subject to administrative agreement where purchaser adopts and agrees to be bound by agreement.

ISSUES DISCUSSED:

- Previous claims not covered by the measure
- Removal of barrier to redevelopment
- Measure does not apply to the parties that caused the pollution
- Large number of brown fields throughout the state

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: A "brownfield" is a vacant or underused property where actual or perceived environmental contamination complicates expansion or redevelopment. Prospective purchasers of brownfields may decline to buy or develop the land out of fear of the potentially high costs of investigating and cleaning up the property. House Bill 3325 A provides potential purchasers with a higher level of certainty regarding liability.