

HOUSE BILL NO. HB0062

Innocent landowner amendments.

Sponsored by: Joint Minerals, Business and Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; amending the
2 definition of an innocent owner for purposes of immunity
3 from liability for contamination on real property as
4 specified; providing a definition; and providing for an
5 effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 35-11-103(g) by creating a new
10 paragraph (xii) and 35-11-1801(a)(iv), (v) and by creating
11 a new paragraph (vi) are amended to read:

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13 **35-11-103. Definitions.**

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1 (g) Specific definitions applying to voluntary
2 remediation, real property remediation account and innocent
3 owners:

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5 (xii) "Bona fide prospective purchaser" means a
6 person who acquired ownership of contaminated real property
7 after January 11, 2002 which the person knew to be
8 contaminated at the time of acquisition and can establish
9 each of the following:

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11 (A) All release or disposal of contaminants
12 located at the real property occurred before the person
13 acquired the property;

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15 (B) The owner or prospective purchaser
16 stopped all continuing releases of contamination from the
17 property;

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19 (C) The owner or prospective purchaser
20 prevented any threatened future release from the existing
21 contamination;

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23 (D) The owner or prospective purchaser
24 prevented or limited human, environmental and natural

1 resource exposure to previously released hazardous
2 substances;

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4 (E) The department has been notified in
5 writing of the presence of contamination;

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7 (F) The prospective purchaser is not
8 potentially liable or affiliated with a potentially liable
9 party for response costs at the property through:

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11 (I) Familial relationships;

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13 (II) Contractual, corporate or
14 financial relationships; or

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16 (III) The reorganization of a
17 potentially liable business.

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19 **35-11-1801. Definition of innocent owner.**

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21 (a) "Innocent owner" means a person who did not cause
22 or contribute to the source of contamination and who is one
23 (1) of the following:

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(iv) A lender or fiduciary who owns or holds a security interest in land, unless the lender or fiduciary participated in the management of a site at the time that the owner or operator thereof caused a release or migration of contaminants; ~~or~~

(v) A unit of state or local government which acquired ownership or control through bankruptcy, tax delinquency, abandonment or other circumstances in which the government acquires title by virtue of its function as sovereign, unless the state or local government contributed to the contamination; ~~or~~ or

(vi) A bona fide prospective purchaser.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)