



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 222**

June 21, 2005 - Offered by Representatives STASKUNAS and McCORMICK.

1 **AN ACT** *to create* 20.370 (2) (dj) and 292.83 of the statutes; **relating to:** binding
2 arbitration to resolve Fox River cleanup coverage disputes and making an
3 appropriation.

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

4 **SECTION 1.** 20.370 (2) (dj) of the statutes is created to read:
5 20.370 (2) (dj) *Fox River cleanup arbitration.* All moneys received under s.
6 292.83 (3) to pay the costs related to the arbitration procedure under s. 292.83.

7 **SECTION 2.** 292.83 of the statutes is created to read:

8 **292.83 Arbitration of Fox River cleanup coverage dispute.** (1) The
9 department shall establish a binding arbitration procedure, which shall be governed
10 by ch. 788, for resolving all claims related to insurance coverage for the costs related
11 to remedial action involving the removal of at least 10,000 tons of contaminated
12 material from the bed or banks of the Fox River. The department shall identify and

1 notify all persons that are responsible under this chapter or the federal
2 Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC
3 9601 to 9675, for that remedial action and, with the assistance of the commissioner
4 of insurance, all insurers that are potentially responsible for paying claims related
5 to the remedial action, who shall submit their disputes to the binding arbitration
6 under this section.

7 (2) Under the procedure, all responsible persons identified by the department
8 under sub. (1) shall together select one arbitrator, all insurers identified by the
9 department under sub. (1) shall together select one arbitrator, and the 2 arbitrators
10 selected shall together select a 3rd arbitrator. The department shall assign
11 employees of the department to provide administrative services to the arbitration
12 panel. The arbitrators shall resolve all issues related to insurance coverage for costs
13 related to the remedial action, including the insurers responsible for payment, the
14 persons to whom payments are due, and the amounts of the payments.

15 (3) The department shall assess and collect fees from the parties to the
16 arbitration procedure under sub. (2) to cover costs related to the arbitration
17 procedure.

18 (END)