



1995 ASSEMBLY BILL 145

February 16, 1995 - Introduced by Representatives OURADA, JOHNSRUD, AINSWORTH, BAUMGART, OTT, BLACK, GUNDERSON, BALDUS, BOYLE, DUFF, GARD, GOETSCH, GROBSCHMIDT, HAHN, HARS DORF, KREIBICH, LEHMAN, MUSSER, OWENS, PLOMBON, PORTER, REYNOLDS, RYBA, SCHNEIDER, SERATTI, SILBAUGH, TURNER, UNDERHEIM, WILDER, WIRCH, ZUKOWSKI, HANDRICK and KREUSER, cosponsored by Senators COWLES, FARROW, ANDREA, BUETTNER, DRZEWIECKI, FITZGERALD, HUELSMAN, JAUCH, A. LASEE, MOEN, C. POTTER, RUDE, SCHULTZ, ZIEN and PANZER. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 20.465 (3) (rp), 166.21 (2) (bm), 166.215 (1), 895.483 (title),
2 895.483 (1) and 895.483 (2); and **to create** 20.465 (3) (rt) and 895.483 (3) of the
3 statutes; **relating to:** grants to emergency response teams, creating immunity
4 from civil liability for local agencies that sponsor regional or county emergency
5 response teams and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, regional and county emergency response teams and the members of those teams are immune from civil liability for acts or omissions related to carrying out their responsibilities under a contract with the state emergency response board. This bill creates civil immunity for the related acts and omissions of the local agency or emergency planning committee that contracted with the state emergency response board for the provision of the regional emergency response teams, and for the local agency that contracts with a county to provide the county emergency response team.

This bill increases the percentage that the state provides to local emergency planning committees for computers and emergency response teams from 50% to 80% and allows the local emergency planning committee to provide their share of the costs through in-kind contributions. The bill also transfers any money remaining at the end of the fiscal year in the appropriation account used for state payments to local emergency planning committees to an appropriation account for supplementing emergency response costs of regional and local emergency response teams.

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

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

1 **SECTION 1.** 20.465 (3) (rp) of the statutes is amended to read:

2 20.465 (3) (rp) *Emergency response equipment.* From the transportation fund,
3 the amounts in the schedule for grants for the costs of computers and emergency
4 response equipment under s. 166.21 (2) (bm). Notwithstanding s. 20.001 (3) (a), the
5 unencumbered balance of this appropriation on June 30 of each year shall be
6 transferred to the appropriation account under par. (rt), except that transfers to the
7 appropriation account under par. (rt) shall cease whenever the balance in the
8 appropriation account under par. (rt) exceeds \$1,000,000 and shall not recommence
9 until the balance in the appropriation account under par. (rt) is less than \$750,000.

10 **SECTION 2.** 20.465 (3) (rt) of the statutes is created to read:

11 20.465 (3) (rt) *Emergency response supplement.* All moneys transferred from
12 the appropriation under par. (rp), to be used for response costs of a regional
13 emergency response team that are not reimbursed under s. 166.215 (2) or (3) and for
14 response costs of a local agency that are not reimbursed under s. 166.22 (4).

15 **SECTION 3.** 166.21 (2) (bm) of the statutes is amended to read:

16 166.21 (2) (bm) Subject to sub. (2m), ~~50%~~ 80% of the costs of computers and
17 emergency response equipment, but not to exceed \$10,000, of which not more than
18 \$6,000 may be for computers. In-kind contributions may be used to meet the
19 committee's contribution under this paragraph.

20 **SECTION 4.** 166.215 (1) of the statutes is amended to read:

1 166.215 (1) The board shall contract with no fewer than 7 and no more than
2 11 regional emergency response teams, each of which will assist in the emergency
3 response to level A releases in a region of this state designated by the board. The
4 board shall contract with at least one regional emergency response team in each area
5 designated under s. 166.03 (2) (b) 1. The board may only contract with ~~public~~
6 ~~organizations~~ a local agency, as defined in s. 166.22 (1) (c), under this subsection. A
7 member of a regional emergency response team shall meet the standards for a
8 hazardous materials specialist in 29 CFR 1910.120 (q) (6) (iv) and national fire
9 protection association standards NFPA 471 and 472. A contract under this
10 subsection may provide for payments to the regional emergency response team in
11 addition to the reimbursement provided in sub. (2).

12 **SECTION 5.** 895.483 (title) of the statutes is amended to read:

13 **895.483** (title) **Civil liability exemption; regional and county**
14 **emergency response team teams and their sponsoring agencies.**

15 **SECTION 6.** 895.483 (1) of the statutes is amended to read:

16 895.483 (1) A regional emergency response team ~~and, a member of such a team,~~
17 ~~and a local agency, as defined in s. 166.22 (1) (c), that contracts with the state~~
18 ~~emergency response board for the provision of a regional emergency response team,~~
19 are immune from civil liability for acts or omissions related to carrying out
20 responsibilities under a contract under s. 166.215 (1).

21 **SECTION 7.** 895.483 (2) of the statutes is amended to read:

22 895.483 (2) A county emergency response team ~~and, a member of such a team~~
23 ~~and the county, city, village or town that contracts to provide the emergency response~~
24 ~~team to the county~~ are immune from civil liability for acts or omissions related to
25 carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).

