

# State of Wisconsin



1995 Assembly Bill 145

Date of enactment: **May 16, 1995**

Date of publication\*: **May 30, 1995**

## 1995 WISCONSIN ACT 13

AN ACT *to amend* 20.465 (3) (rp), 166.21 (2) (bm), 166.215 (1), 166.215 (2), 895.483 (title), 895.483 (1) and 895.483 (2); and *to create* 20.465 (3) (rt), 166.20 (2) (bg), 166.20 (2) (bm), 166.21 (2) (br), 166.22 (3m) and 895.483 (3) of the statutes; **relating to:** grants to emergency response teams, creating immunity from civil liability for local agencies that sponsor regional or county emergency response teams, providing an exemption from emergency rule procedures, granting rule-making authority and making an appropriation.

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

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

20.465 (3) (rp) *Emergency response equipment.* From the transportation fund, the amounts in the schedule for grants for the costs of computers and emergency response equipment under s. 166.21 (2) (bm). Notwithstanding s. 20.001 (3) (a), the unencumbered balance of this appropriation on June 30 of each year shall be transferred to the appropriation account under par. (rt), except that transfers to the appropriation account under par. (rt) shall cease whenever the balance in the appropriation account under par. (rt) exceeds \$500,000 and shall not recommence until the balance in the appropriation account under par. (rt) is less than \$400,000. No moneys may be transferred from this appropriation account to the appropriation account under par. (rt) after June 30, 1998.

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

20.465 (3) (rt) *Emergency response supplement.* All moneys transferred from the appropriation under par. (rp), to be used for response costs of a regional emergency response team that are not reimbursed under s.

166.215 (2) or (3) and for response costs of a local agency that are not reimbursed under s. 166.22 (4). No moneys may be encumbered from the appropriation under this paragraph after June 30, 1999.

**SECTION 2g.** 166.20 (2) (bg) of the statutes is created to read:

166.20 (2) (bg) Promulgate rules establishing an amount not to exceed \$6,000 that may be an eligible cost for computers in an emergency planning grant under s. 166.21 (2) (bm).

**SECTION 2m.** 166.20 (2) (bm) of the statutes is created to read:

166.20 (2) (bm) Promulgate rules establishing standards to determine all of the following:

1. If a regional or local emergency response team has made a good faith effort to identify a person responsible for a release of a hazardous substance under s. 166.215 (3) or 166.22 (4).

2. If a person responsible for a release of a hazardous substance under s. 166.215 (3) or 166.22 (4) is financially able or has the money or resources necessary to reimburse a regional or local emergency response team for the expenses incurred by the regional or local emergency response team in responding to the release.

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

**SECTION 3m.** 166.21 (2) (br) of the statutes is created to read:

166.21 (2) (br) Subject to sub. (2m), for grant applications submitted during the period after the effective date of this paragraph .... [revisor inserts date], and before September 1, 1997, 80% of the costs of computers and emergency response equipment, but not to exceed \$10,000. In-kind contributions may be used to meet the committee's contribution under this paragraph.

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

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

**SECTION 5.** 166.215 (2) of the statutes is amended to read:

166.215 (2) The board shall reimburse a regional emergency response team for costs incurred by the team in responding to a level A release under sub. (1). Reimbursement under this subsection is limited to amounts collected under sub. (3) and the ~~amount~~ amounts appropriated under s. 20.465 (3) (rg) and (rt). Reimbursement is available under s. 20.465 (3) (rt) only if the regional emergency response team has made a good faith effort to identify the person responsible under sub. (3) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the regional emergency response team.

**SECTION 6.** 166.22 (3m) of the statutes is created to read:

166.22 (3m) The board shall reimburse a local emergency response team for costs incurred by the team in re-

sponding to a hazardous substance discharge under sub. (3). Reimbursement under this subsection is limited to the amount appropriated under s. 20.465 (3) (rt). Reimbursement is available under s. 20.465 (3) (rt) only if the local emergency response team has made a good faith effort to identify the person responsible under sub. (4) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the local emergency response team.

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

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

**SECTION 8.** 895.483 (1) of the statutes is amended to read:

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

**SECTION 9.** 895.483 (2) of the statutes is amended to read:

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

**SECTION 10.** 895.483 (3) of the statutes is created to read:

895.483 (3) A local emergency planning committee created under s. 59.07 (146) (a) 1. that receives a grant under s. 166.21 is immune from civil liability for acts or omissions related to carrying out responsibilities under s. 166.21.

**SECTION 10m. Nonstatutory provisions.**

(1) Using the procedure under section 227.24 of the statutes, the state emergency response board shall promulgate rules required under section 166.20 (2) (bg) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 166.20 (2) (bg) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the board need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating the rules under this subsection.

(2) By December 31, 1996, the state emergency response board shall submit a report to the legislature, in

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the manner provided under section 13.172 (2) of the statutes, on the impact that this act has on local units of government, local emergency response committees and emergency response teams.

### **SECTION 11. Initial applicability.**

(1) The treatment of section 895.483 (title), (1), (2) and (3) of the statutes first applies to acts or omissions committed on the effective date of this subsection.

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