

**1999 DRAFTING REQUEST**

**Bill**

Received: 05/11/99

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Jim Baumgart (608) 266-2056

By/Representing: Bill Cross

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact: Randi Milsep, DMA

Alt. Drafters:

Subject: Military Affairs

Extra Copies:

**Pre Topic:**

No specific pre topic given


**Topic:**

Reimbursement of costs of emergency response teams response to an accident involving hazardous materials

**Instructions:**

Need to require payment for response even if the accident does not result in the release of a hazardous material

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>		<u>Required</u>
/1	nelsorp1 06/8/99	jgeller 06/11/99	martykr 06/12/99	_____	lrb_docadmin 06/12/99	lrb_docadminS&L 06/25/99	

FE Sent For:

↪ 07-06-99

<END>

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Per Pat Henderson of Baumgart's for Senate

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1?	nelsorp1	11/6/99 jlg	11/6/99 km6	11/6/99 ksh			

FE Sent For:

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3058/1

RPN.....

*D-note*

*1  
JG*

**1999 BILL**

*gen cat*

1 AN ACT ...; relating to: the reimbursement of the costs of emergency response  
2 teams.

*Analysis by the Legislative Reference Bureau (division)*

Under current law, regional emergency response teams are required to respond to a Level A release of a hazardous substance. The division of emergency management of the department of military affairs is required to reimburse the regional team for costs incurred in responding to the Level A release to the extent that funds are available but only if the team makes a good faith effort to identify the person responsible for the release and to obtain reimbursement for their costs from that person. Local emergency response teams are required under current law to respond to the discharge of a hazardous substance. The division of emergency management of the department of military affairs is required to reimburse the local team for costs incurred in responding to the discharge to the extent that funds are available but only if the team makes a good faith effort to identify the person responsible for the discharge and to obtain reimbursement for their costs from that person.

This bill allows the regional and local response teams to receive reimbursement from the division of emergency management under the same limitations as under current law and from the person who possesses or controls a hazardous substance, if the team responded to a request for assistance for what the team, in good faith, thought was going to be a Level A release or discharge of a hazardous substance, although no actual release or discharge occurred.

**BILL**

For further information see the *state and 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.** 166.215 (2) <sup>X</sup> of the statutes is amended to read:

2           166.215 (2) The division shall reimburse a regional emergency response team

3           for costs incurred by the team in responding to a level A release under sub. (1) or for

4           responding to a request for assistance for what the team in good faith thought was

5           going to be a <sup>✓</sup> level A release under sub. (1), <sup>✓</sup> even if no release occurred.

6           Reimbursement under this subsection is limited to amounts collected under sub. (3)

7           and the amounts appropriated under s. 20.465 (3) (dr). Reimbursement is available

8           under s. 20.465 (3) (dr) *only if the regional emergency response team has made a good*

9           *faith effort to identify the person responsible under sub. (3) and that person cannot*

10          *be identified, or, if that person is identified, the team has received reimbursement*

11          *from that person to the extent that the person is financially able or has determined*

12          *that the person does not have adequate money or other resources to reimburse the*

13          *regional emergency response team.*

14          History: 1991 a. 104; 1993 a. 253; 1995 a. 13; 1997 a. 27, 41. <sup>X</sup>  
**SECTION 2.** 166.215 (3) <sup>X</sup> of the statutes is amended to read:

15          166.215 (3) A person who possessed or controlled a hazardous substance that

16          was released <sup>✓</sup> or that the response team in good faith thought was going to be released

17          or who caused the release of a hazardous substance shall reimburse the division for

18          costs incurred by a regional emergency response team in responding to the release

19          under sub. (1).

20          History: 1991 a. 104; 1993 a. 253; 1995 a. 13; 1997 a. 27, 41. <sup>X</sup>  
**SECTION 3.** 166.22 (3m) <sup>X</sup> of the statutes is amended to read:

**BILL**

1           166.22 (3m) The division shall reimburse a local emergency response team for  
2 costs incurred by the team in responding to a hazardous substance discharge under  
3 sub. (3) or for responding to a request for assistance for what in good faith the team  
4 thought was going to be a hazardous substance discharge under sub. (3), even if no  
5 release occurred. Reimbursement under this subsection is limited to the amount  
6 appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465  
7 (3) (dr) only if the local emergency response team has made a good faith effort to  
8 identify the person responsible under sub. (4) and that person cannot be identified,  
9 or, if that person is identified, the team has received reimbursement from that person  
10 to the extent that the person is financially able or has determined that the person  
11 does not have adequate money or other resources to reimburse the local emergency  
12 response team.

History: 1989 a. 256; 1995 a. 13, 227, 247; 1997 a. 27. ✓

13           **SECTION 4.** 166.22 (4) of the statutes is amended to read:

14           166.22 (4) A person who possessed or controlled a hazardous substance that  
15 was discharged or that the local emergency response team in good faith thought was  
16 going to be discharged or who caused the discharge of a hazardous substance shall,  
17 as provided under sub. (5), reimburse a local agency for actual, reasonable and  
18 necessary expenses incurred under sub. (3).

History: 1989 a. 256; 1995 a. 13, 227, 247; 1997 a. 27. ✓

19           **SECTION 5.** 166.22 (5) (b) of the statutes is amended to read:

20           166.22 (5) (b) The reviewing entity shall review claims submitted under par.  
21 (am) and determine the amount of reasonable and necessary expenses incurred. The  
22 reviewing entity shall provide a person who is liable for reimbursement under sub.  
23 (4) with a notice of the amount of expenses it has determined to be reasonable and  
24 necessary that arise from one discharge or from what the local emergency response

**BILL**

1 team in good faith thought was going to be a discharge ✓ and are incurred by all local  
2 agencies from which the reviewing entity receives a claim.

History: 1989 a. 256; 1995 a. 13, 227, 247; 1997 a. 27.

3

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3058/1dn

RPN.....

1  
JG

Please review this draft carefully to ensure that it complies with your intent.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511



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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

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RPN:jlg:km

June 11, 1999

Please review this draft carefully to ensure that it complies with your intent.

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Phone: (608) 267-7511