

1999 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB208)

Received: **10/19/1999**

Received By: **nelsorp1**

Wanted: **Soon**

Identical to LRB:

For: **Jim Baumgart (608) 266-2056**

By/Representing: **Patrick**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Military Affairs**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Reimbursement of emergency response teams

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| /P1 | nelsorp1 10/20/1999 | chanaman 10/20/1999 | mclark 10/21/1999 | _____ | lrb_docadmin 10/21/1999 | | |
| /P2 | nelsorp1 10/22/1999 | chanaman 10/22/1999 | martykr 10/25/1999 | _____ | lrb_docadmin 10/25/1999 | | |
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10/28*

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SF 10/28*

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By/Representing: Patrick

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Military Affairs

Extra Copies: David Lovell, LC
e-mail → Randi Malsap, DRGA, Terry Tuschen,
of Sen. Moen's office

Pre Topic:

No specific pre topic given

Topic:

Reimbursement of emergency response teams

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| FE Sent For: | | cmH 10/22 /R2 | Km 10/22 | JH 10/25 Km 25 | | | <END> |

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Senate Substitute Amendment (SSA-SB208)

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Wanted: Soon

Identical to LRB:

For: Jim Baumgart (608) 266-2056

By/Representing: Patrick

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Military Affairs

Extra Copies: of IPI
Laura Rose + Dave
Lowell, Leg. Co., ~~XXXXXX~~
Randy Milog, DIVA FAX 212 3082

Pre Topic:

E-mail to.

No specific pre topic given

Topic:

Reimbursement of emergency response teams

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|--------------------|--------------|------------------|------------------|--------------------------|-----------------|
| /? | nelsorp1 | emh PI 10/20 | MRC 10/20 | MRC/KJF 10/21 | | No stripes on pre-draft. | |

FE Sent For:

<END>

10/19 Mtg

Sen. Baugard - Reimburse A+B

Gen.

Plans & Respond to an

emergency - rules

to establish criteria

for responding to

an emergency

Dave Lovell - LC

Laura Rose - LC

Terry T - Moea's

Pat - Baugard's

Randy Melsap - DITA

Bob Wilson - LRB

Sen. Baugard



WRN

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT,
TO 1999 SENATE BILL 208

1 AN ACT ^{*emergency*} relating to: reimbursement of emergency response teams.

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

2 SECTION 1. 166.20 (1) (intro.) of the statutes is amended to read:

3 166.20 (1) DEFINITIONS. (intro.) In ss. 166.20 to ~~166.215~~ [✓] 166.22:

4 History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283.

4 SECTION 2. 166.20 (1) (gk) of the statutes is created to read:

5 166.20 (1) (gk) "Local emergency response team" means a local agency that
6 responds to an emergency created by a release or potential release of a hazardous
7 substance.

8 SECTION 3. 166.20 (1) (im) of the statutes is created to read:

9 166.20 (1) (im) "Regional emergency response team" means a ^{*local*} ~~public~~ agency
10 that responds to an emergency created by a level A release or by a potential level A
11 release.

Doc C

1 SECTION 4. 166.20 (2) (bm) 1. of the statutes is amended to read:

2 166.20 (2) (bm) 1. If a regional or local emergency response team has made a
3 good faith effort to identify a person responsible for the emergency resulting from a
4 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22
5 (4).

6 History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283.

6 SECTION 5. 166.20 (2) (bm) 2. of the statutes is amended to read:

7 166.20 (2) (bm) 2. If a person responsible for the emergency resulting from a
8 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22
9 (4) is financially able or has the money or resources necessary to reimburse a regional
10 or local emergency response team for the expenses incurred by the regional or local
11 emergency response team in responding to the release emergency.

12 History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283.

INSERT
2-12

12 SECTION 6. 166.215 (2) of the statutes is amended to read:

13 166.215 (2) The division shall reimburse a regional emergency response team
14 for costs incurred by the team in responding to an emergency caused by a level A
15 release under sub. (1). The division shall reimburse a regional emergency response
16 team for costs incurred by the team in responding to an emergency caused by what
17 the team in good faith thought was a potential level A release if the team based its
18 decision to respond on rules promulgated by the division that establish criteria to
19 determine if an emergency exists as the result of a level A release or a potential level
20 A release. Reimbursement under this subsection is limited to amounts collected
21 under sub. (3) and the amounts appropriated under s. 20.465 (3) (dr).
22 Reimbursement is available under s. 20.465 (3) (dr) only if the regional emergency
23 response team has made a good faith effort to identify the person responsible under
24 sub. (3) and that person cannot be identified, or, if that person is identified, the team

1 has received reimbursement from that person to the extent that the person is
2 financially able or has determined that the person does not have adequate money or
3 other resources to reimburse the regional emergency response team.

History: 1991 a. 104; 1993 a. 253; 1995 a. 13; 1997 a. 27, 41.

4 SECTION 7. 166.215 (3) of the statutes is amended to read:

5 166.215 (3) A person who possessed or controlled a hazardous substance that
6 ~~was released~~ was the subject of an emergency response by a regional emergency
7 response team under sub. (2) or who caused the release of a hazardous substance ~~that~~
8 resulted in an emergency response by a regional emergency response team under
9 sub. (2) shall reimburse the division for costs incurred by a regional emergency
10 response team in responding to the ~~release under sub. (1)~~ emergency.

History: 1991 a. 104; 1993 a. 253; 1995 a. 13; 1997 a. 27, 41.

11 SECTION 8. 166.22 (1) (intro.), (a) and (b) of the statutes are repealed.

12 SECTION 9. 166.22 (1) (c) of the statutes is renumbered 166.20 (1) (gj).

13 SECTION 10. 166.22 (2) of the statutes is amended to read:

14 166.22 (2) A person who possesses or controls a hazardous substance that is
15 ~~discharged~~ released or has the potential of being released or who causes the
16 ~~discharge~~ release or potential release of a hazardous substance shall take the actions
17 necessary to protect public health and safety and prevent damage to property.

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

18 SECTION 11. 166.22 (3) of the statutes is amended to read:

19 166.22 (3) If action required under sub. (2) is not being adequately taken or the
20 identity of the person responsible for a ~~discharge~~ an emergency resulting from a
21 release or potential release of a hazardous substance is unknown and the ~~discharge~~
22 emergency resulting from a release or potential release threatens public health or
23 safety or damage to property, a local agency may take any emergency action that is
24 consistent with the contingency plan for the undertaking of emergency actions in

1 response to the ~~discharge~~ release or potential release of hazardous substances
2 established by the department of natural resources under s. 292.11 (5) and that it
3 considers appropriate under the circumstances.

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

4 **SECTION 12.** 166.22 (3m) of the statutes is amended to read:

5 166.22 (3m) The division shall reimburse a local emergency response team for
6 costs incurred by the team in responding to an emergency caused by a hazardous
7 substance discharge release under sub. (3). The division shall reimburse a local
8 emergency response team for costs incurred by the team in responding to an
9 emergency caused by what the team in good faith thought was a potential release of
10 a hazardous substance if the team based its decision to respond on rules promulgated
11 by the division that establish criteria to determine if an emergency exists as the
12 result of a release or a potential release of a hazardous substance. Reimbursement
13 under this subsection is limited to the amount appropriated under s. 20.465 (3) (dr).
14 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency
15 response team has made a good faith effort to identify the person responsible under
16 sub. (4) and that person cannot be identified, or, if that person is identified, the team
17 has received reimbursement from that person to the extent that the person is
18 financially able or has determined that the person does not have adequate money or
19 other resources to reimburse the local emergency response team.

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

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

21 166.22 (4) A person who possessed or controlled a hazardous substance that
22 was discharged the subject of an emergency response by a local emergency response
23 team under sub. (3) or who caused the discharge release of a hazardous substance
24 that resulted in an emergency response by a local emergency response team under

1 [✓] sub. (3) shall, as provided under sub. (5), reimburse a local agency for actual,
2 reasonable and necessary expenses incurred under sub. (3).

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

3 SECTION 14. 166.22 (5) (am) of the statutes is amended to read:

4 166.22 (5) (am) A local agency seeking reimbursement under sub. (4) shall
5 submit a claim stating its expenses to the reviewing entity for the county in which
6 the discharge [✓] emergency [✓] resulting from the release or potential release of a
7 hazardous substance occurred.

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

8 SECTION 15. 166.22 (5) (b) of the statutes is amended to read:

9 166.22 (5) (b) The reviewing entity shall review claims submitted under par.
10 (am) and determine the amount of reasonable and necessary expenses incurred. The
11 reviewing entity shall provide a person who is liable for reimbursement under sub.
12 (4) with a notice of the amount of expenses it has determined to be reasonable and
13 necessary that ~~arise~~ arose [✓] from one discharge the emergency resulting from the
14 release or potential release of a hazardous substance and ~~are~~ [✓] that were incurred by
15 all local agencies from which the reviewing entity receives a claim.

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

16 SECTION 16. Initial applicability.

17 (1) This act first applies to emergencies resulting from the release or potential
18 release of hazardous substances that occur on the effective date of this [✓] subsection.

19 (END)

IN SECT
5-12

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0150/P1ins
RPN.....

INSERT 2-12

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

166.215 (1) The division shall contract with no fewer than 7 and no more than 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 division. The division shall contract with at least one regional emergency response team in each area designated under s. 166.03 (2) (b) 1. The division may only contract with a local agency, ~~as defined in s. 166.22 (1) (e)~~, 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. Payments to regional emergency response teams under this subsection shall be made from the appropriation account under s. 20.465 (3) (dd).

History: 1991 a. 104; 1993 a. 253; 1995 a. 13; 1997 a. 27, 41.

Insert 5-16

SECTION 2. 895.483 (1) of the statutes is amended to read:

895.483 (1) A regional emergency response team, a member of such a team, and a local agency, as defined in s. ~~166.22 (1) (e)~~ 166.20 (1) (gj), that contracts with the division of emergency management in the department of military affairs 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).

History: 1991 a. 104; 1995 a. 13, 201; 1997 a. 27.

(END OF INSERT)

Barman, Mike

From: Barman, Mike
Sent: Thursday, October 21, 1999 9:22 AM
To: Milsap, Randi
Cc: Nelson, Robert P.
Subject: 99s0150/P1 (by request of RPN)



99s0150/P1

Mike Barman

Mike Barman - Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

with Discussion
David Lovell,
col/r

Take Laura R
off.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE SUBSTITUTE AMENDMENT,

TO 1999 SENATE BILL 208

Seach discharge
166.20-22

1 AN ACT to repeal 166.22 (1) (intro.), (a) and (b); to renumber 166.22 (1) (c); to
 2 amend 166.20 (1) (intro.), 166.20 (2) (bm) 1., 166.20 (2) (bm) 2., 166.215 (1),
 3 166.215 (2), 166.215 (3), 166.22 (2), 166.22 (3), 166.22 (3m), 166.22 (4), 166.22
 4 (5) (am), 166.22 (5) (b) and 895.483 (1); and to create 166.20 (1) (gk) and 166.20
 5 (1) (im) of the statutes; relating to: reimbursement of emergency response
 6 teams.

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

7 SECTION 1. 166.20 (1) (intro.) of the statutes is amended to read:

8 166.20 (1) DEFINITIONS. (intro.) In ss. 166.20 to ~~166.215~~ 166.22:

9 SECTION 2. 166.20 (1) (gk) of the statutes is created to read:

*Note - call
Randy*

County

*for
The agency*

too broad

1 166.20 (1) (gk) "Local emergency response team" means a local agency that
2 responds to an emergency created by a release or potential release of a hazardous
3 substance.

166-21 (2a) (e)

4 SECTION 3. 166.20 (1) (im) of the statutes is created to read:

5 166.20 (1) (im) "Regional emergency response team" means a local agency that
6 responds to an emergency created by a level A release or by a potential level A
7 release.

*is under contract with it div. under
s. 166.215 (1).*

8 SECTION 4. 166.20 (2) (bm) 1. of the statutes is amended to read:

9 166.20 (2) (bm) 1. If a regional or local emergency response team has made a
10 good faith effort to identify a person responsible for the emergency resulting from a
11 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22
12 (4).

13 SECTION 5. 166.20 (2) (bm) 2. of the statutes is amended to read:

14 166.20 (2) (bm) 2. If a person responsible for the emergency resulting from a
15 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22
16 (4) is financially able or has the money or resources necessary to reimburse a regional
17 or local emergency response team for the expenses incurred by the regional or local
18 emergency response team in responding to the release emergency.

19 SECTION 6. 166.215 (1) of the statutes is amended to read:

20 166.215 (1) The division shall contract with no fewer than 7 and no more than
21 9 regional emergency response teams, each of which will assist in the emergency
22 response to level A releases in a region of this state designated by the division. The
23 division shall contract with at least one regional emergency response team in each
24 area designated under s. 166.03 (2) (b) 1. The division may only contract with a local
25 agency, as defined in s. 166.22 (1) (e), under this subsection. A member of a regional

*166.20 (2) (b5) - prom. rules to est. procedure
to determining
when a response is a level
A, B, C
and other
level
releases
of
haz. sub*

*Emergency that may be the
release or that result in a
release*

1 emergency response team shall meet the standards for a hazardous materials
2 specialist in 29 CFR 1910.120 (q) (6) (iv) and national fire protection association
3 standards NFPA 471 and 472. Payments to regional emergency response teams
4 under this subsection shall be made from the appropriation account under s. 20.465
5 (3) (dd).

6 SECTION 7. 166.215 (2) of the statutes is amended to read:

7 166.215 (2) The division shall reimburse a regional emergency response team
8 for costs incurred by the team in responding to ~~an emergency caused by~~ ^{(6) delving} a level A
9 release under sub. (1). The division shall reimburse a regional emergency response
10 team for costs incurred by the team in responding to an emergency caused by what
11 the team in good faith thought was a potential level A release if the team based its
12 decision to respond on rules promulgated by the division that establish criteria to
13 determine if an emergency exists as the result of a level A release or a potential level

14 A release. Reimbursement under this subsection is limited to amounts collected
15 under sub. (3) and the amounts appropriated under s. 20.465 (3) (dr).
16 Reimbursement is available under s. 20.465 (3) (dr) only if the regional emergency
17 response team has made a good faith effort to identify the person responsible under
18 sub. (3) and that person cannot be identified, or, if that person is identified, the team
19 has received reimbursement from that person to the extent that the person is
20 financially able or has determined that the person does not have adequate money or
21 other resources to reimburse the regional emergency response team.

22 SECTION 8. 166.215 (3) of the statutes is amended to read:

23 166.215 (3) A person who possessed or controlled a hazardous substance that
24 ~~was released~~ ^{involved in an emergency that resulted} was the subject of an emergency response by a regional emergency
25 response team under sub. (2) or who caused ^{the release of a hazardous substance that} the release of a hazardous substance that

or potential release
} put shorter
or
a.
b.

made. f/s
after following procedure in a procedure
under 166.20 (2)(b5)

1 ~~resulted in an emergency~~ response by a regional emergency response team under
2 sub. (2) shall reimburse the division for costs incurred by a regional emergency
3 response team in responding to the release under sub. (1) emergency.

4 SECTION 9. 166.22 (1) (intro.), (a) and (b) of the statutes are repealed.

5 SECTION 10. 166.22 (1) (c) of the statutes is renumbered 166.20 (1) (gj).

6 SECTION 11. 166.22 (2) of the statutes is amended to read:

7 166.22 (2) A person who possesses or controls a hazardous substance that is
8 discharged ~~released~~ or has the potential of being released or who causes the
9 discharge ~~release~~ or potential release of a hazardous substance shall take the actions
10 necessary to protect public health and safety and prevent damage to property.

11 SECTION 12. 166.22 (3) of the statutes is amended to read:

12 166.22 (3) If action required under sub. (2) is not being adequately taken or the
13 identity of the person responsible for a discharge ~~an emergency resulting from a~~ ^{involving}
14 ~~release or potential release~~ of a hazardous substance is unknown and the discharge
15 ~~emergency resulting from a release or potential release~~ ^{involving} threatens public health or
16 safety or damage to property, a local agency may take any emergency action that is
17 consistent with the contingency plan for the undertaking of emergency actions in
18 response to the discharge ~~release or potential release~~ of hazardous substances
19 established by the department of natural resources under s. 292.11 (5) and that it
20 considers appropriate under the circumstances.

21 SECTION 13. 166.22 (3m) of the statutes is amended to read:

22 166.22 (3m) The division shall reimburse a local emergency response team for
23 costs incurred by the team in responding to an emergency ~~caused by~~ ^{involving} a hazardous
24 substance discharge ~~release~~ under sub. (3). The division shall reimburse a local
25 emergency response team for costs incurred by the team in responding to an

Same as p 3,
6-10-14

1 emergency caused by what the team in good faith thought was a potential release of
 2 a hazardous substance if the team based its decision to respond on rules promulgated
 3 by the division ^{a procedure} that establish criteria to determine if an emergency exists as the
 4 result of a release or a potential release of a hazardous substance. Reimbursement
 5 under this subsection is limited to the amount appropriated under s. 20.465 (3) (dr).
 6 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency
 7 response team has made a good faith effort to identify the person responsible under
 8 sub. (4) and that person cannot be identified, or, if that person is identified, the team
 9 has received reimbursement from that person to the extent that the person is
 10 financially able or has determined that the person does not have adequate money or
 11 other resources to reimburse the local emergency response team.

under new 166.22(4)(b)

12 SECTION 14. 166.22 (4) of the statutes is amended to read:

13 166.22 (4) A person who possessed or controlled a hazardous substance that
 14 was discharged the subject of an emergency response by a local emergency response
 15 team under sub. (3) or who caused the discharge release of a hazardous substance
 16 that resulted in an emergency response by a local emergency response team under
 17 sub. (3) shall, as provided under sub. (5), reimburse a local agency for actual,
 18 reasonable and necessary expenses incurred under sub. (3).

same as 215 (3)

19 SECTION 15. 166.22 (5) (am) of the statutes is amended to read:

20 166.22 (5) (am) A local agency seeking reimbursement under sub. (4) shall
 21 submit a claim stating its expenses to the reviewing entity for the county in which
 22 the discharge emergency ¹⁴⁰⁰⁽¹¹²⁾ resulting from the release or potential release of a
 23 hazardous substance occurred.

24 SECTION 16. 166.22 (5) (b) of the statutes is amended to read:



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBs0150
RPN:cmh:mrc

P2

due

10/25 pm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT,
TO 1999 SENATE BILL 208

regen.

1 AN ACT *to repeal* 166.22 (1) (intro.), (a) and (b); *to renumber* 166.22 (1) (c); *to*
2 *amend* 166.20 (1) (intro.), 166.20 (2) (bm) 1., 166.20 (2) (bm) 2., 166.215 (1),
3 166.215 (2), 166.215 (3), 166.22 (2), ~~166.22 (3)~~, 166.22 (3m), 166.22 (4), 166.22
4 (5) (am), 166.22 (5) (b) and 895.483 (1); and *to create* 166.20 (1) (gk) and 166.20
5 (1) (im) of the statutes; **relating to:** reimbursement of emergency response
6 teams. *and requiring the exercise of rule-making authority*

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

- 7 SECTION 1. 166.20 (1) (intro.) of the statutes is amended to read:
8 166.20 (1) DEFINITIONS. (intro.) In ss. 166.20 to ~~166.215~~ 166.22:
- 9 SECTION 2. 166.20 (1) (gk) of the statutes is created to read:

1 166.20 (1) (gk) "Local emergency response team" means ~~local agency that~~
 2 ~~responds to an emergency created by a release or potential release of a hazardous~~
 3 ~~substance.~~ *a team that the committee identifies under s. 166.21 (2m) (e)*

4 SECTION 3. 166.20 (1) (im) of the statutes is created to read:

5 166.20 (1) (im) "Regional emergency response team" means ~~local agency that~~
 6 ~~responds to an emergency created by a level A release or by a potential level A~~
 7 ~~release.~~ *a team that the division contracts with under s. 166.215 (1)*

8 SECTION 4. 166.20 (2) (bm) 1. of the statutes is amended to read:

9 166.20 (2) (bm) 1. If a regional or local emergency response team has made a
 10 good faith effort to identify a person responsible for the emergency ~~resulting from~~ *involving*
 11 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22
 12 (4).

13 SECTION 5. 166.20 (2) (bm) 2. of the statutes is amended to read:

14 166.20 (2) (bm) 2. If a person responsible for the emergency ~~resulting from~~ *involving*
 15 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22
 16 (4) is financially able or has the money or resources necessary to reimburse a regional
 17 or local emergency response team for the expenses incurred by the regional or local
 18 emergency response team in responding to the release emergency.

19 SECTION 6. 166.215 (1) of the statutes is amended to read:

20 166.215 (1) The division shall contract with no fewer than 7 and no more than
 21 9 regional emergency response teams, each of which will assist in the emergency
 22 response to level A releases in a region of this state designated by the division. The
 23 division shall contract with at least one regional emergency response team in each
 24 area designated under s. 166.03 (2) (b) 1. The division may only contract with a local
 25 agency, as defined in s. 166.22 (1) (e), under this subsection. A member of a regional

1 emergency response team shall meet the standards for a hazardous materials
2 specialist in 29 CFR 1910.120 (q) (6) (iv) and national fire protection association
3 standards NFPA 471 and 472. Payments to regional emergency response teams
4 under this subsection shall be made from the appropriation account under s. 20.465
5 (3) (dd).

6 **SECTION 7.** 166.215 (2) of the statutes is amended to read:

7 166.215 (2) The division shall reimburse a regional emergency response team
8 for costs incurred by the team in responding to an emergency ^{involving} ~~caused by~~ a level A
9 release under sub. (1). The division shall reimburse a regional emergency response
10 team for costs incurred by the team in responding to an emergency ~~caused by~~
11 the team in good faith thought was a potential level A release if the team ~~made its~~ ^{followed the procedures in the} ~~decision to respond~~ ^{under s. 166.20(2)(b5)}
12 decision to respond ~~by the division that establish criteria to~~
13 determine if an emergency ~~exists as the result of a level A release or a potential level~~
14 ~~release~~ ^{existed} Reimbursement under this subsection is limited to amounts collected
15 under sub. (3) and the amounts appropriated under s. 20.465 (3) (dr).
16 Reimbursement is available under s. 20.465 (3) (dr) only if the regional emergency
17 response team has made a good faith effort to identify the person responsible under
18 sub. (3) and that person cannot be identified, or, if that person is identified, the team
19 has received reimbursement from that person to the extent that the person is
20 financially able or has determined that the person does not have adequate money or
21 other resources to reimburse the regional emergency response team.

22 **SECTION 8.** 166.215 (3) of the statutes is amended to read:

23 166.215 (3) A person who possessed or controlled a hazardous substance that
24 was released was the subject of an emergency response by a regional emergency
25 response team under sub. (2) or who caused the release of a hazardous substance that

1 ~~resulted in an emergency response by a regional emergency response team under~~
 2 ~~sub. (2) shall reimburse the division for costs incurred by a regional emergency~~
 3 ~~response team in responding to the release under sub. (1) emergency~~

→ (insert 4-3)

4 SECTION 9. 166.22 (1) (intro.), (a) and (b) of the statutes are repealed.

5 SECTION 10. 166.22 (1) (c) of the statutes is renumbered 166.20 (1) (gi).

6 SECTION 11. 166.22 (2) of the statutes is amended to read:

7 166.22 (2) A person who possesses or controls a hazardous substance that is
 8 ~~discharged~~ released or has the potential of being released or who causes the
 9 ~~discharge~~ release or potential release of a hazardous substance shall take the actions
 10 necessary to protect public health and safety and prevent damage to property.

11 SECTION 12. 166.22 (3) of the statutes is amended to read:

12 166.22 (3) If action required under sub. (2) is not being adequately taken or the
 13 ~~identity of the person responsible for a discharge~~ an emergency ^{involving} resulting from a
 14 release or potential release of a hazardous substance is unknown and the discharge
 15 ~~emergency resulting from~~ involving a release or potential release threatens public health or
 16 safety or damage to property, a local agency may take any emergency action that is
 17 consistent with the contingency plan for the undertaking of emergency actions in
 18 response to the ~~discharge~~ release or potential release of hazardous substances
 19 established by the department of natural resources under s. 292.11 (5) and that it
 20 considers appropriate under the circumstances.

21 SECTION 13. 166.22 (3m) of the statutes is amended to read:

22 166.22 (3m) The division shall reimburse a local emergency response team for
 23 ~~costs incurred by the team in responding to an emergency~~ costs incurred by the team in responding to an emergency ^{involving} caused by a hazardous
 24 substance ~~discharge~~ release under sub. (3). The division shall reimburse a local
 25 emergency response team for costs incurred by the team in responding to an

1 ~~emergency caused by what the team in good faith thought was a potential release of~~
 2 ~~a hazardous substance if the team based its decision on response procedures promulgated~~
 3 ~~by the division that establish criteria to determine if an emergency exists as the~~
 4 ~~result of a release or a potential release of a hazardous substance.~~ Reimbursement
 5 under this subsection is limited to the amount appropriated under s. 20.465 (3) (dr).

6 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency
 7 response team has made a good faith effort to identify the person responsible under
 8 sub. (4) and that person cannot be identified, or, if that person is identified, the team
 9 has received reimbursement from that person to the extent that the person is
 10 financially able or has determined that the person does not have adequate money or
 11 other resources to reimburse the local emergency response team.

12 **SECTION 14.** 166.22 (4) of the statutes is amended to read:
 13 166.22 (4) A person who possessed or controlled a hazardous substance that
 14 was discharged the subject of an emergency response by a local emergency response
 15 team under sub. (3) or who caused the discharge release of a hazardous substance
 16 that resulted in an emergency response by a local emergency response team under
 17 sub. (3) shall, as provided under sub. (5), reimburse a local agency for actual,
 18 reasonable and necessary expenses incurred under sub. (3).

19 **SECTION 15.** 166.22 (5) (am) of the statutes is amended to read:
 20 166.22 (5) (am) A local agency seeking reimbursement under sub. (4) shall
 21 submit a claim stating its expenses to the reviewing entity for the county in which
 22 the discharge emergency ^{involving} resulting from the release or potential release of a
 23 hazardous substance occurred.

24 **SECTION 16.** 166.22 (5) (b) of the statutes is amended to read:

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0150/P2ins
RPN:cmh:mrc

1 insert 2-18:

2 SECTION 1. 166.20 (2) (bs) of the statutes is created to read:

3 166.20 (2) (bs) Promulgate rules that establish the procedures that a regional
4 emergency response team shall follow to determine if an emergency exists as the
5 result of a level A release or a potential level A release and that a local emergency
6 response team shall follow to determine if an emergency exists as the result of a
7 release or potential release of a hazardous substance.

8 SECTION 2. 166.21 (2m) (e) of the statutes is amended to read:

9 166.21 (2m) (e) Identification of a ~~county~~ local emergency response team that
10 is capable of responding to a level B release that occurs at any place in the county and
11 whose members meet the standards for hazardous materials technicians in 29 CFR
12 1910.120 (q) (6) (iii) and national fire protection association standards NFPA 471 and
13 472.

14 History: 1987 a. 342; 1989 a. 31, 115; 1991 a. 104; 1993 a. 16; 1995 a. 13, 227; 1997 a. 27.

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

16 166.21 (2m) (f) Procedures for ~~county~~ local emergency response team actions
17 that are consistent with local emergency response plans developed under s. 166.20
(3) and the state contingency plan established under s. 292.11 (5).

18 History: 1987 a. 342; 1989 a. 31, 115; 1991 a. 104; 1993 a. 16; 1995 a. 13, 227; 1997 a. 27.

19 insert 4-3:

20 SECTION 4. 166.215 (3) of the statutes is repealed and recreated to read:

21 166.215 (3) A person shall reimburse the division for costs incurred by a
22 regional emergency response team in responding to an emergency if one of the
23 following conditions exist:

23

1 (a) The person possessed or controlled a hazardous substance that was involved
2 in an emergency response by the regional emergency response team.

3 (b) The person caused an emergency involving the release of a hazardous
4 substance that resulted in a response by the regional emergency response team.

5

6 insert 5-18:

7 **SECTION 5.** 166.22 (4) of the statutes is repealed and recreated to read:

8 166.22 (4) A person shall, as provided under sub. (5), reimburse a local agency
9 for costs incurred by a local emergency response team in responding to an emergency

10 if one of the following conditions exist:

11 (a) The person possessed or controlled a hazardous substance that was involved
12 in an emergency response by the local emergency response team.

13 (b) The person caused an emergency involving the release of a hazardous
14 substance that resulted in a response by the local emergency response team.

(END OF INSERT)

Barman, Mike

From: Barman, Mike
Sent: Monday, October 25, 1999 11:16 AM
To: Lovell, David; Milsap, Randi; Tuschen, Terry
Cc: Nelson, Robert P.
Subject: 99s0150/P2



99s0150/P2

Mike Barman

Mike Barman - Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE SUBSTITUTE AMENDMENT,

TO 1999 SENATE BILL 208

10/27
Randy
David
Leave 166.22 (1)(b) & (c)
or phone
Add to (c) (local emer. response team)

repeal.

1 AN ACT *to repeal* 166.22 (1) (intro.), (a) and (b); *to renumber* 166.22 (1) (c); *to*
2 *amend* 166.20 (1) (intro.), 166.20 (2) (bm) 1., 166.20 (2) (bm) 2., 166.21 (2m) (e),
3 166.21 (2m) (f), 166.215 (1), 166.215 (2), 166.22 (2), 166.22 (3), 166.22 (3m),
4 166.22 (5) (am), 166.22 (5) (b) and 895.483 (1); *to repeal and recreate* 166.215
5 (3) and 166.22 (4); and *to create* 166.20 (1) (gk), 166.20 (1) (im) and 166.20 (2)
6 (bs) of the statutes; **relating to:** reimbursement of emergency response teams
7 and requiring the exercise of rule-making authority.

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

8 SECTION 1. 166.20 (1) (intro.) of the statutes is amended to read:
9 166.20 (1) DEFINITIONS. (intro.) In ss. 166.20 to 166.215 166.22:

10 SECTION 2. 166.20 (1) (gk) of the statutes is created to read:

1 166.20 (1) (gk) "Local emergency response team" means a team that the
2 committee identifies under s. 166.21 (2m) (e).

3 SECTION 3. 166.20 (1) (im) of the statutes is created to read:

4 166.20 (1) (im) "Regional emergency response team" means a team that the
5 division contracts with under s. 166.215 (1).

6 SECTION 4. 166.20 (2) (bm) 1. of the statutes is amended to read:

7 166.20 (2) (bm) 1. If a regional or local emergency response team has made a
8 good faith effort to identify a person responsible for the emergency involving a
9 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22
10 (4).

11 SECTION 5. 166.20 (2) (bm) 2. of the statutes is amended to read:

12 166.20 (2) (bm) 2. If a person responsible for the emergency involving a release
13 or potential release of a hazardous substance under s. 166.215 (3) or 166.22 (4) is
14 financially able or has the money or resources necessary to reimburse a regional or
15 local emergency response team for the expenses incurred by the regional or local
16 emergency response team in responding to the release emergency.

17 SECTION 6. 166.20 (2) (bs) of the statutes is created to read:

18 166.20 (2) (bs) Promulgate rules that establish the procedures that a regional
19 emergency response team shall follow to determine if an emergency exists as the
20 result of a level A release or a potential level A release *that requires the team's response* and that a local emergency
21 response team shall follow to determine if an emergency exists as the result of a
22 release or potential release of a hazardous substance. *that requires the team's response*

23 SECTION 7. 166.21 (2m) (e) of the statutes is amended to read:

24 166.21 (2m) (e) Identification of a county local emergency response team that
25 is capable of responding to a level B release that occurs at any place in the county and

1 whose members meet the standards for hazardous materials technicians in 29 CFR
2 1910.120 (q) (6) (iii) and national fire protection association standards NFPA 471 and
3 472.

4 SECTION 8. 166.21 (2m) (f) of the statutes is amended to read:

5 166.21 (2m) (f) Procedures for county local emergency response team actions
6 that are consistent with local emergency response plans developed under s. 166.20
7 (3) and the state contingency plan established under s. 292.11 (5).

8 SECTION 9. 166.215 (1) of the statutes is amended to read:

9 166.215 (1) The division shall contract with no fewer than 7 and no more than
10 9 regional emergency response teams, each of which will assist in the emergency
11 response to level A releases in a region of this state designated by the division. The
12 division shall contract with at least one regional emergency response team in each
13 area designated under s. 166.03 (2) (b) 1. The division may only contract with a local
14 agency, as defined in s. 166.22 (1) (e), under this subsection. A member of a regional
15 emergency response team shall meet the standards for a hazardous materials
16 specialist in 29 CFR 1910.120 (q) (6) (iv) and national fire protection association
17 standards NFPA 471 and 472. Payments to regional emergency response teams
18 under this subsection shall be made from the appropriation account under s. 20.465
19 (3) (dd).

20 SECTION 10. 166.215 (2) of the statutes is amended to read:

21 166.215 (2) The division shall reimburse a regional emergency response team
22 for costs incurred by the team in responding to an emergency involving a level A
23 release under sub. (1) ^{striker} ~~The division shall reimburse a regional emergency response~~
24 team for costs incurred by the team in responding to ^a ~~an~~ emergency ^{or a potential level A release}
25 if the team followed the procedures in the rules promulgated under s. 166.20 (2) (bs) to

if the team followed the established procedures under s. 166.20 (2)(bs) to determine if an emergency requiring a response existed and

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determine if an emergency existed. Reimbursement under this subsection is limited to amounts collected under sub. (3) and the amounts appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) 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.

10

SECTION 11. 166.215 (3) of the statutes is repealed and recreated to read:

11
12
13

166.215 (3) A person shall reimburse the division for costs incurred by a regional emergency response team in responding to an emergency if ^{any} of the following conditions ^{apply} exist.

14
15

(a) The person possessed or controlled a hazardous substance that was involved in ^{the} emergency response by the regional emergency response team.

16
17

(b) The person caused ^{the} an emergency involving the release of a hazardous substance that resulted in a response by the regional emergency response team.

18

SECTION 12. 166.22 (1) ~~through~~ (a) ~~of~~ of the statutes ^{is} repealed.

19

insert 4-19

SECTION 13. 166.22 (1) (c) of the statutes is renumbered 166.20 (1) (g).

insert 7-19

20

SECTION 14. 166.22 (2) of the statutes is amended to read:

21
22
23
24

166.22 (2) A person who possesses or controls a hazardous substance that is discharged released ~~with the potential of being released~~ or who causes the discharge release ~~of potential release~~ of a hazardous substance shall take the actions necessary to protect public health and safety and prevent damage to property.

25

SECTION 15. 166.22 (3) of the statutes is amended to read:

1 166.22 (3) If action required under sub. (2) is not being adequately taken or the
 2 identity of the person responsible for a ~~discharge~~ an emergency involving a release
 3 or potential release of a hazardous substance is unknown and the ~~discharge~~
 4 emergency involving a release or potential release threatens public health or safety
 5 or damage to property, a local agency may take any emergency action that is
 6 consistent with the contingency plan for the undertaking of emergency actions in
 7 response to the ~~discharge~~ release or potential release of hazardous substances
 8 established by the department of natural resources under s. 292.11 (5) and that it
 9 considers appropriate under the circumstances.

10 **SECTION 16.** 166.22 (3m) of the statutes is amended to read:

11 166.22 (3m) The division shall reimburse a local emergency response team for
 12 costs incurred by the team in responding to ⁹⁷ an emergency involving a hazardous
 13 substance discharge ~~release~~ ^{strike} under sub. (3). ~~The Division shall reimburse a local~~
 14 ~~emergency response team for costs incurred by the team in responding to an~~
 15 ~~emergency~~ if the team followed the procedures in the rules promulgated under s.
 16 166.20 (2) (bs) to determine if an emergency ^{requiring a response} ~~existed~~ Reimbursement ^{plain period} under this
 17 subsection is limited to the amount appropriated under s. 20.465 (3) (dr).
 18 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency
 19 response team has made a good faith effort to identify the person responsible under
 20 sub. (4) and that person cannot be identified, or, if that person is identified, the team
 21 has received reimbursement from that person to the extent that the person is
 22 financially able or has determined that the person does not have adequate money or
 23 other resources to reimburse the local emergency response team.

24 ~~**SECTION 17.** 166.22 (4) of the statutes is repealed and recreated to read:~~

release or potential release

1999 - 2000 Legislature

the person shall reimburse the team if the team followed the procedures established under s. 166.20 (2)(b) to determine if an emergency requiring a response existed and

1 166.22 (4) A person shall, ~~as provided~~ under sub. (5), reimburse a local agency
2 for costs incurred by ~~a local emergency response team~~ in responding to an emergency
3 if ~~any~~ of the following conditions ~~exists~~.

4 (a) The person possessed or controlled a hazardous substance that was involved
5 in ~~an~~ emergency response by the local emergency response team.

6 (b) The person caused ~~an~~ emergency involving the release of a hazardous
substance that resulted in a response by the local emergency response team.

Insert 6-18

SECTION 18. 166.22 (5) (am) of the statutes is amended to read:

9 166.22 (5) (am) A local agency seeking reimbursement under sub. (4) shall
10 submit a claim stating its expenses to the reviewing entity for the county in which
11 the discharge emergency ~~involving the release or potential release of a hazardous~~
12 ~~substance~~ occurred.

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

14 166.22 (5) (b) The reviewing entity shall review claims submitted under par.
15 (am) and determine the amount of reasonable and necessary expenses incurred. The
16 reviewing entity shall provide a person who is liable for reimbursement under sub.
17 (4) with a notice of the amount of expenses it has determined to be reasonable and
18 necessary that arise arose from one discharge the emergency involving the release
19 or potential release of a hazardous substance and are that were incurred by all local
20 agencies from which the reviewing entity receives a claim.

→ (Insert 6-20)

SECTION 20. 895.483 (1) of the statutes is amended to read:

22 895.483 (1) A regional emergency response team, a member of such a team, and
23 a local agency, as defined in s. 166.22 (1) (e) ~~166.20 (1) (g)~~, that contracts with the
24 division of emergency management in the department of military affairs for the
25 provision of a regional emergency response team, are immune from civil liability for

1 acts or omissions related to carrying out responsibilities under a contract under s.
2 166.215 (1).

→ *(Insert D-2)*
3 **SECTION 21. Initial applicability.**

4 (1) This act first applies to emergencies involving the release or potential
5 release of hazardous substances that occur on the effective date of this subsection.

6 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0150/P3ins
RPN:cmh:km

1 insert 4-19:

2 SECTION 1. 166.22 (1) (c) of the statutes is amended to read:

3 166.22 (1) (c) "Local agency" means an agency of a county, city, village or town,
4 including a municipal police or fire department, a municipal health organization, a
5 county office of emergency management, a county sheriff, an emergency medical
6 service, a local emergency response team or a public works department.

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

7 SECTION 2. 166.22 (1) (d) of the statutes is created to read:

8 166.22 (1) (d) "Local emergency response team" means a team that the
9 committee identifies under s. 166.21 (2m) (e).

10

11 insert 6-7:

12 SECTION 3. 166.22 (4) of the statutes is repealed and recreated to read:

13 166.22 (4) (a) Except as provided in par. (b), a person shall reimburse a local
14 agency as provided in sub. (5) for actual, reasonable and necessary expenses incurred
15 in responding to an emergency involving the release or potential release of a
16 hazardous substance if any of the following conditions apply. *applies*

17 1. The person possessed or controlled a hazardous substance involved in the
18 emergency.

19 2. The person caused the emergency.

20 (b) A local emergency response team may receive reimbursement under par. (a) *only*
21 if the team followed the procedures established under s. 166.20 (2) (bs) to determine
22 if an emergency requiring the team's response existed.

23

(END OF INSERT 6-7)

1 insert 6-20:

2 SECTION 4. 895.483 (title) of the statutes is amended to read:

3 895.483 (title) **Civil liability exemption; regional and ~~county~~ [✓] local**
4 **emergency response teams and their sponsoring agencies.**

5 History: 1991 a. 104; 1995 a. 13, 201; 1997 a. 27.

6 insert 7-2:

7 SECTION 5. 895.483 (2) of the statutes is amended to read:

8 895.483 (2) A ~~county~~ [✓] local emergency response team, a member of such a team
9 and the county, city, village or town that contracts to provide the emergency response
10 team to the county are immune from civil liability for acts or omissions related to
11 carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).

History: 1991 a. 104; 1995 a. 13, 201; 1997 a. 27.

(END OF INSERT)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT,

TO 1999 SENATE BILL 208

10/28
Discussion
w/ David Lovell

DO &
FRIDAY
12:00

refer
cut

1 AN ACT *to repeal* 166.22 (1) (a); *to amend* 166.20 (2) (bm) 1., 166.20 (2) (bm) 2.,
2 166.21 (2m) (e), 166.21 (2m) (f), 166.215 (2), 166.22 (1) (c), 166.22 (2), 166.22 (3),
3 166.22 (3m), 166.22 (5) (am), 166.22 (5) (b), 895.483 (title) and 895.483 (2); *to*
4 *repeal and recreate* 166.215 (3) and 166.22 (4); and *to create* 166.20 (1) (gk),
5 166.20 (1) (im), 166.20 (2) (bs) and 166.22 (1) (d) of the statutes; **relating to:**
6 reimbursement of emergency response teams and requiring the exercise of
7 rule-making authority.

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

8 SECTION 1. 166.20 (1) (gk) of the statutes is created to read:
9 166.20 (1) (gk) "Local emergency response team" means a team that the
10 committee identifies under s. 166.21 (2m) (e).

11 SECTION 2. 166.20 (1) (im) of the statutes is created to read:

1 166.20 (1) (im) "Regional emergency response team" means a team that the
2 division contracts with under s. 166.215 (1).

3 **SECTION 3.** 166.20 (2) (bm) 1. of the statutes is amended to read:

4 166.20 (2) (bm) 1. If a regional or local emergency response team has made a
5 good faith effort to identify a person responsible for the emergency involving a
6 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22
7 (4).

8 **SECTION 4.** 166.20 (2) (bm) 2. of the statutes is amended to read:

9 166.20 (2) (bm) 2. If a person responsible for the emergency involving a release
10 or potential release of a hazardous substance under s. 166.215 (3) or 166.22 (4) is
11 financially able or has the money or resources necessary to reimburse a regional or
12 local emergency response team for the expenses incurred by the regional or local
13 emergency response team in responding to the release emergency.

14 **SECTION 5.** 166.20 (2) (bs) of the statutes is created to read:

15 166.20 (2) (bs) ^{1/4} Promulgate rules that establish the procedures that a regional
16 emergency response team shall follow to determine if an emergency that requires the
17 team's response exists as the result of a level A release or a potential level A release. ²
18 ~~and~~ ^{2. Promulgate rules that establish the procedures} that a local emergency response team shall follow to determine if an emergency
19 that requires the team's response exists as the result of a release or potential release
20 of a hazardous substance ^{5, as defined in s. 299.01(6)}

21 **SECTION 6.** 166.21 (2m) (e) of the statutes is amended to read:

22 166.21 (2m) (e) Identification of a county local emergency response team that
23 is capable of responding to a level B release that occurs at any place in the county and
24 whose members meet the standards for hazardous materials technicians in 29 CFR

1 1910.120 (q) (6) (iii) and national fire protection association standards NFPA 471 and
2 472.

3 SECTION 7. 166.21 (2m) (f) of the statutes is amended to read:

4 166.21 (2m) (f) Procedures for ~~county~~ local emergency response team actions
5 that are consistent with local emergency response plans developed under s. 166.20
6 (3) and the state contingency plan established under s. 292.11 (5).

7 SECTION 8. 166.215 (2) of the statutes is amended to read:

8 166.215 (2) The division shall reimburse a regional emergency response team
9 for costs incurred by the team in responding to an emergency involving a level A
10 release under sub. (1) ^{add scored commas} for a potential level A release, if the team followed the
11 procedures in the rules promulgated under s. 166.20 (2) (bs) ^{1.} to determine if an
12 emergency requiring a response existed. Reimbursement under this subsection is
13 limited to amounts collected under sub. (3) and the amounts appropriated under s.
14 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the
15 regional emergency response team has made a good faith effort to identify the person
16 responsible under sub. (3) and that person cannot be identified, or, if that person is
17 identified, the team has received reimbursement from that person to the extent that
18 the person is financially able or has determined that the person does not have
19 adequate money or other resources to reimburse the regional emergency response
20 team.

21 SECTION 9. 166.215 (3) of the statutes is repealed and recreated to read:

22 166.215 (3) A person shall reimburse the division for costs incurred by a
23 regional emergency response team in responding to an emergency if the team
24 followed the procedures established under s. 166.20 (2) (bs) ^{1.} to determine if an
25 emergency requiring ^{the team's} a response existed and if any of the following conditions applies:

1 (a) The person possessed or controlled a hazardous substance that was involved
2 in the emergency.

3 (b) The person caused the emergency.

4 **SECTION 10.** 166.22 (1) (a) of the statutes is repealed.

5 **SECTION 11.** 166.22 (1) (c) of the statutes is amended to read:

6 166.22 (1) (c) “Local agency” means an agency of a county, city, village or town,
7 including a municipal police or fire department, a municipal health organization, a
8 county office of emergency management, a county sheriff, an emergency medical
9 service, a local emergency response team or a public works department.

10 **SECTION 12.** 166.22 (1) (d) of the statutes is created to read:

11 166.22 (1) (d) “Local emergency response team” means a team that the
12 committee identifies under s. 166.21 (2m) (e).

13 **SECTION 13.** 166.22 (2) of the statutes is amended to read:

14 166.22 (2) A person who possesses or controls a hazardous substance that is
15 ~~discharged~~ released or who causes the ~~discharge~~ release of a hazardous substance
16 shall take the actions necessary to protect public health and safety and prevent
17 damage to property.

18 **SECTION 14.** 166.22 (3) of the statutes is amended to read:

19 166.22 (3) If action required under sub. (2) is not being adequately taken or the
20 identity of the person responsible for a ~~discharge~~ an emergency involving a release
21 or potential release of a hazardous substance is unknown and the ~~discharge~~
22 emergency involving a release or potential release threatens public health or safety
23 or damage to property, a local agency may take any emergency action that is
24 consistent with the contingency plan for the undertaking of emergency actions in
25 response to the ~~discharge~~ release or potential release of hazardous substances

1 established by the department of natural resources under s. 292.11 (5) and that it
2 considers appropriate under the circumstances.

3 SECTION 15. 166.22 (3m) of the statutes is amended to read:

4 166.22 (3m) The division shall reimburse a local emergency response team for
5 costs incurred by the team in responding to an emergency involving a hazardous
6 substance discharge under sub. (3) ^{add sloped commas} release, or potential release, if the team followed
7 the procedures in the rules promulgated under s. 166.20 (2) (bs) ^{2.} to determine if an
8 emergency requiring ^{the team's} response existed. Reimbursement under this subsection is
9 limited to the amount appropriated under s. 20.465 (3) (dr). Reimbursement is
10 available under s. 20.465 (3) (dr) only if the local emergency response team has made
11 a good faith effort to identify the person responsible under sub. (4) and that person
12 cannot be identified, or, if that person is identified, the team has received
13 reimbursement from that person to the extent that the person is financially able or
14 has determined that the person does not have adequate money or other resources to
15 reimburse the local emergency response team.

16 SECTION 16. 166.22 (4) of the statutes is repealed and recreated to read:

17 166.22 (4) (a) Except as provided in par. (b), a person shall reimburse a local
18 agency as provided in sub. (5) for actual, reasonable and necessary expenses incurred
19 in responding to an emergency involving the release or potential release of a
20 hazardous substance if any of the following conditions applies:

21 1. The person possessed or controlled a hazardous substance involved in the
22 emergency.

23 2. The person caused the emergency.

1 (b) A local emergency response team may receive reimbursement under par. (a)
2 only if the team followed the procedures established under s. 166.20 (2) (bs) to ^{2.}
3 determine if an emergency requiring the team's response existed.

4 **SECTION 17.** 166.22 (5) (am) of the statutes is amended to read:

5 166.22 (5) (am) A local agency seeking reimbursement under sub. (4) shall
6 submit a claim stating its expenses to the reviewing entity for the county in which
7 the ~~discharge~~ emergency occurred.

8 **SECTION 18.** 166.22 (5) (b) of the statutes is amended to read:

9 166.22 (5) (b) The reviewing entity shall review claims submitted under par.
10 (am) and determine the amount of reasonable and necessary expenses incurred. The
11 reviewing entity shall provide a person who is liable for reimbursement under sub.
12 (4) with a notice of the amount of expenses it has determined to be reasonable and
13 necessary that ~~arise~~ arose from one discharge the emergency involving the release
14 or potential release of a hazardous substance and are that were incurred by all local
15 agencies from which the reviewing entity receives a claim.

16 **SECTION 19.** 895.483 (title) of the statutes is amended to read:

17 **895.483 (title) Civil liability exemption; regional and county local**
18 **emergency response teams and their sponsoring agencies.**

19 **SECTION 20.** 895.483 (2) of the statutes is amended to read:

20 895.483 (2) A ~~county~~ local emergency response team, a member of such a team
21 and the county, city, village or town that contracts to provide the emergency response
22 team to the county are immune from civil liability for acts or omissions related to
23 carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).

24 **SECTION 21. Initial applicability.**

Barman, Mike

From: Barman, Mike
Sent: Friday, October 29, 1999 9:09 AM
To: Lovell, David; Milsap, Randi; Tuschen, Terry
Cc: Nelson, Robert P.
Subject: 99s0150/1



99s0150/1

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