

**2001 DRAFTING REQUEST**

**Bill**

Received: **10/11/2000**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Pat**

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

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Military Affairs - haz materials**

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Reimbursement of emergency response teams

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**Instructions:**

See Attached

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**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<br>10/13/2000 | gilfokm<br>10/13/2000 |                       | _____          |                            |                            | S&L             |
| /1           |                        |                       | martykr<br>10/16/2000 | _____          | lrb_docadmin<br>10/16/2000 | lrb_docadmin<br>11/13/2000 |                 |

FE Sent For:

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SSA 1 to SB 208

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| /?           | nelsorp1       | 1-10/13<br>King | 10/16        | PG<br>Km 16    |                  |                 |                 |

FE Sent For:

<END>

SENATE BILL 208 (LRB-3058)

An Act to amend 166.215 (2), 166.215 (3), 166.22 (3m), 166.22 (4) and 166.22 (5) (b) of the statutes; relating to: the reimbursement of the costs of emergency response teams.

1999

07-06. S. Introduced by Senators Baumgart and Robson; cosponsored by Representatives Gunderson, Black, Musser, Huebsch, Sykora, Goetsch, Leibham, Gronemus and Urban.

07-06. S. Read first time and referred to committee on Health, Utilities, Veterans and Military Affairs .....

207

09-15. S. Public hearing held .

09-28. S. Fiscal estimate received .

12-08. S. Executive action taken .

12-15. S. Report introduction and adoption of Senate substitute amendment 1 recommended by committee on Health, Utilities, Veterans and Military Affairs, Ayes 6, Noes 0 by committee on Health, Utilities, Veterans and Military Affairs (LRB s0150) .....

367

12-15. S. Report passage as amended recommended by committee on Health, Utilities, Veterans and Military Affairs, Ayes 6, Noes 0 .....

367

12-15. S. Available for scheduling .

2000

01-25. S. Read a second time .....

392

01-25. S. Senate substitute amendment 1 adopted .....

392

01-25. S. Ordered to a third reading .....

392

01-25. S. Rules suspended .....

392

01-25. S. Read a third time and passed .....

392

02-08. A. Received from Senate .....

645

02-08. A. Read first time and referred to committee on Urban and Local Affairs .....

646

02-22. A. Public hearing held .

03-01. A. Executive action taken .

03-02. A. Report concurrence recommended by committee on Urban and Local Affairs, Ayes 7, Noes 0 .....

694

03-02. A. Referred to committee on Rules .....

695

11378115

03-30. A. Placed on calendar 3-30-2000 by committee on Rules .

04-06. A. Failed to concur in pursuant to Senate Joint

Resolution 1 .....

915

07/19/11

SOON

DOA:.....Uecker - Allow an emergency response team to be reimbursed for response expenses even though no actual release occurred

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

2001 BILL

1

AN ACT ... relating to: the budget.

reimbursement of emergency response teams and granting rule-making authority.

Analysis by the Legislative Reference Bureau

VETERANS AND MILITARY AFFAIRS

Under current law, regional emergency response teams have been established to respond to "Level A" releases in their area. A "Level A" release is a release of a hazardous substance that necessitates the highest level of protective equipment for the skin and respiratory systems of emergency response personnel. Currently, local emergency response teams are required to respond to "Level B" releases. A "Level B" release is a release of a hazardous substance that necessitates the highest level of protective equipment for the respiratory systems of emergency response personnel but less skin protection than a "Level A" release.

The division of emergency management in DMA oversees the state requirements under the federal laws regarding responses to releases of hazardous substances. As part of that responsibility, the division of emergency management promulgates rules regarding the duties of the local and regional emergency response teams and the governmental units that employ those teams. The division provides grants to those governmental units for duties related to emergency response teams and reimburses them for unreimbursed costs that are incurred in responding to a release. Included in those duties is the requirement that the emergency response team make a good faith effort to identify the person who is responsible for the hazardous substance release and to determine if that person is financially able to

the department of military affairs

reimburse the team for expenses incurred in responding to the release. Currently, a person who is financially able to reimburse the team for expenses incurred in responding to the release is required to reimburse those expenses.

This bill requires the division of emergency management to promulgate rules requiring the regional and local emergency response teams to establish procedures that the teams will follow to determine if an emergency that requires a team's response exists as the result of a release or potential release of a hazardous substance. The bill requires the division of emergency management to reimburse regional and local emergency response teams for unreimbursed costs incurred in responding to an emergency resulting from a potential release if the team has established the procedures to determine if an emergency exists. Under the bill, a person who is financially able to reimburse a team for expenses incurred in responding to an emergency resulting from a potential release is required to reimburse those expenses if the team has established the procedures to determine if an emergency exists.

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

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

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

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

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

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

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

8           166.20 (2) (bm) 1. If a regional or local emergency response team has made a  
9 good faith effort to identify a person responsible for the emergency involving a  
10 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22  
11 (4).

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

1           166.20 (2) (bm) 2. If a person responsible for the emergency involving a release  
2           or potential release of a hazardous substance under s. 166.215 (3) or 166.22 (4) is  
3           financially able or has the money or resources necessary to reimburse a regional or  
4           local emergency response team for the expenses incurred by the regional or local  
5           emergency response team in responding to the release emergency.

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

7           166.20 (2) (bs) 1. Promulgate rules that establish the procedures that a  
8           regional emergency response team shall follow to determine if an emergency that  
9           requires the team's response exists as the result of a level A release or a potential  
10          level A release.

11          2. Promulgate rules that establish the procedures that a local emergency  
12          response team shall follow to determine if an emergency that requires the team's  
13          response exists as the result of a release or potential release of a hazardous  
14          substance, as defined in s. 299.01 (6).

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

16          166.21 (2m) (c) Identification of a ~~county~~ local emergency response team that  
17          is capable of responding to a level B release that occurs at any place in the county and  
18          whose members meet the standards for hazardous materials technicians in 29 CFR  
19          1910.120 (q) (6) (iii) and national fire protection association standards NFPA 471 and  
20          472.

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

22          166.21 (2m) (f) Procedures for ~~county~~ local emergency response team actions  
23          that are consistent with local emergency response plans developed under s. 166.20  
24          (3) and the state contingency plan established under s. 292.11 (5).

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



1           166.215 (2) The division shall reimburse a regional emergency response team  
2 for costs incurred by the team in responding to an emergency involving a level A  
3 release under sub. (1), or a potential level A release, if the team followed the  
4 procedures in the rules promulgated under s. 166.20 (2) (bs) 1. to determine if an  
5 emergency requiring a response existed. Reimbursement under this subsection is  
6 limited to amounts collected under sub. (3) and the amounts appropriated under s.  
7 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the  
8 regional emergency response team has made a good faith effort to identify the person  
9 responsible under sub. (3) and that person cannot be identified, or, if that person is  
10 identified, the team has received reimbursement from that person to the extent that  
11 the person is financially able or has determined that the person does not have  
12 adequate money or other resources to reimburse the regional emergency response  
13 team.

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

15           166.215 (3) A person shall reimburse the division for costs incurred by a  
16 regional emergency response team in responding to an emergency if the team  
17 followed the procedures established under s. 166.20 (2) (bs) 1. to determine if an  
18 emergency requiring the team's response existed and if any of the following  
19 conditions applies:

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

22           (b) The person caused the emergency.

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

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

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

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

6           166.22 (1) (d) “Local emergency response team” means a team that the  
7 committee identifies under s. 166.21 (2m) (e).

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

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

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

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

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

24           166.22 (3m) The division shall reimburse a local emergency response team for  
25 costs incurred by the team in responding to an emergency involving a hazardous

1 substance ~~discharge under sub. (3)~~ release, or potential release, if the team followed  
2 the procedures in the rules promulgated under s. 166.20 (2) (bs) 2. to determine if an  
3 emergency requiring the team's response existed. Reimbursement under this  
4 subsection is limited to the amount appropriated under s. 20.465 (3) (dr).  
5 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency  
6 response team has made a good faith effort to identify the person responsible under  
7 sub. (4) and that person cannot be identified, or, if that person is identified, the team  
8 has received reimbursement from that person to the extent that the person is  
9 financially able or has determined that the person does not have adequate money or  
10 other resources to reimburse the local emergency response team.

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

12 166.22 (4) (a) Except as provided in par. (b), a person shall reimburse a local  
13 agency as provided in sub. (5) for actual, reasonable, and necessary expenses  
14 incurred in responding to an emergency involving the release or potential release of  
15 a hazardous substance if any of the following conditions applies:

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

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

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

23 166.22 (5) (am) A local agency seeking reimbursement under sub. (4) shall  
24 submit a claim stating its expenses to the reviewing entity for the county in which  
25 the ~~discharge~~ emergency occurred.





# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

October 16, 2000

### MEMORANDUM

To: Senator Baumgart

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-0719 Reimbursement of emergency response teams

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

~~\_\_\_\_\_~~ JACKET FOR ASSEMBLY     JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.