

**2001 DRAFTING REQUEST**

**Bill**

Received: 09/27/2000

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 7-0371

By/Representing: Uecker

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Military Affairs - emerg govt

Extra Copies:

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**Pre Topic:**

DOA:.....Uecker -

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**Topic:**

Allow an emergency response team to be reimbursed for response expenses even though no actual release occurred

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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 10/05/2000	gilfokm 10/12/2000		_____			S&L
/1			martykr 10/12/2000	_____	lrb_docadmin 10/12/2000		

FE Sent For:

<END>

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1?	nelsorp1	1-10/11 Kmg	Jm 10/12	PG Jm 10/12 Jm 12			

FE Sent For:

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**Date:** September 25, 2000

**To:** Steve Miller, LRB

**From:** Deborah Uecker, DOA  
267-0371

**Subject:** Department of Military Affairs Statutory Language

I am forwarding statutory language changes that the Department of Military Affairs (DMA) included in its budget submission.

- ✓ 1. **Emergency Management Assistance Compacts.** Create two appropriations for interstate military assistance and emergency assistance to allow the receipt of funds from other states to reimburse units or members of the Wisconsin national guard or the division of emergency management to provide assistance to other states.
- ✓ 2. **Sum Sufficient for Extended Emergency Management Liabilities.** Create a GPR sum sufficient appropriation to defray the costs incurred to reimburse local government units for the costs of worker's compensation, indemnification of tort liability and the destruction of equipment as the result of emergency response efforts.
- ✓ 3. **Reimbursement for Responses to Potential Hazardous Materials Releases.** Allow an emergency response team to seek reimbursement from a responsible party where a team responded to a potential release even though no actual release occurred. Convert LRBs0150/1, Senate Substitute Amendment 1 to 1999 Senate Bill 208 as the budget draft.
- ✓ 4. **Level A Emergency Response Teams.** Modify current statutory language to remove the requirement that at least one Level A emergency response team be located in La Crosse County. Require that Level A team members shall meet the highest standards for a hazardous materials responder and that all teams have members trained in appropriate speciality areas. Require that an annual financial report be filed by each team with the adjutant general each year.
- ✓ 5. **Consolidate Appropriations within the Emergency Management Program.** Consolidate 20.465(3)(dh) Hazardous substance emergency response; administration with the general program operations appropriation of the division of emergency management, 20.465(3)(a).
- ✓ 6. **Clarification of Eligible Schools for the National Guard Tuition Grant Program.** Allow the department to authorize grants to students attending institutions that meet the U.S. Department of Education eligibility requirements for Pell Grants and other federal student assistance programs and remove language referencing schools accredited by rule of the Higher Educational Aids Board.
- ✓ 7. **Level B Teams Equipment Appropriation** Change 20.465(3)(dp) Emergency response equipment appropriation to a biennial appropriation.

Thank you for your help.

Discussion:

§166.03(8)(f) requires the Division of Emergency Management to reimburse local units of governments for certain costs of worker's compensation, tort liability, and equipment loss that may be incurred during an emergency response. The statute provides worker's compensation and tort liability coverage to registered volunteers who engage in emergency management activities, as well as to employees of that local unit. It establishes a cap for these costs of \$1 per capita per year, and specifies that any costs above this amount are to be reimbursed by the Division of Emergency Management from its General Program Operations appropriation under s.20.465(3)(a). Funds for this purpose have never been budgeted into the cited appropriation. A serious injury suffered by a volunteer during storm clean up operations in Manitowish County in May, 2000 resulted in a potentially significant liability for the division. As a result, emergency funding was sought from the Joint Committee on Finance via §13.10 at their July, 2000 meeting. The unpredictable and uncontrollable nature of these costs make budgeting for them on a sum certain basis nearly impossible. As a result, the department requests that a sum sufficient appropriation be created to provide funding in such circumstances. We understand that there may be other statutory provisions which affect other agencies in a similar manner. As a result, it may be more practical to create a statewide appropriation for these purposes. However, within the scope of our own budget proposal, we suggest the creation of a sum sufficient within our emergency management program to offset any further potential liabilities for the division.

3. Reimbursement for Responses to Potential Hazardous Materials Releases

Request:

Include the provisions of LRBs0150/1 (Senate Substitute Amendment 1 to 1999 Senate Bill 208)

Discussion:

The proposed legislation referenced above included a number of technical changes to §166.21 and §166.215. Current law provides that an emergency response team must seek reimbursement for costs associated with a response to a release of hazardous material from the party responsible for that release. If the responsible party cannot be identified or is insolvent, the team may then seek reimbursement from the emergency response supplement (§20.465(3)(d)). The bill clarified legislative intent to authorize the team to seek reimbursement from the responsible party in cases where a team responded to a "potential release" even though no actual release occurred. (For example, an overturned tanker truck carrying hazardous materials that remains intact and does not leak). The department supported the legislation, but the Assembly did not concur prior to adjournment.

SI OA - BUD

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1999 SENATE BILL 208**

SOON

DOA -  
For 2001-03 Budget

December 15, 1999 - Offered by COMMITTEE ON HEALTH, UTILITIES, VETERANS AND  
MILITARY AFFAIRS.

→ Trip Request Sheet  
→ PROOF: all amended stats. w/FOLIO.

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 <sup>the</sup> budget  
7 rule-making authority.

✓  
Insert  
1-7



**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. Promulgate rules that establish the procedures that a  
16 regional emergency response team shall follow to determine if an emergency that  
17 requires the team’s response exists as the result of a level A release or a potential  
18 level A release.

19           2. Promulgate rules that establish the procedures that a local emergency  
20 response team shall follow to determine if an emergency that requires the team’s  
21 response exists as the result of a release or potential release of a hazardous  
22 substance, as defined in s. 299.01 (6).

23           **SECTION 6.** 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 7.** 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 8.** 166.215 (2) of the statutes is amended to read:

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

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

23 166.215 (3) A person shall reimburse the division for costs incurred by a  
24 regional emergency response team in responding to an emergency if the team  
25 followed the procedures established under s. 166.20 (2) (bs) 1. to determine if an

1 emergency requiring the team's response existed and if any of the following  
2 conditions applies:

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

5 (b) The person caused the emergency.

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

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

8 166.22 (1) (c) "Local agency" means an agency of a county, city, village<sup>✓</sup> or town,  
9 including a municipal police or fire department, a municipal health organization, a  
10 county office of emergency management, a county sheriff, an emergency medical  
11 service, a local emergency response team<sup>✓</sup> or a public works department.

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

13 166.22 (1) (d) "Local emergency response team" means a team that the  
14 committee identifies under s. 166.21 (2m) (e)<sup>✓</sup>.

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

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

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

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



1 consistent with the contingency plan for the undertaking of emergency actions in  
2 response to the discharge release or potential release of hazardous substances  
3 established by the department of natural resources under s. 292.11 (5) and that it  
4 considers appropriate under the circumstances.

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

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

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

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

23 1. The person possessed or controlled a hazardous substance involved in the  
24 emergency.

25 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) 2. to  
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 ~~arise from one discharge~~ <sup>arose from</sup> the emergency involving the release  
14 or potential release of a hazardous substance ~~and are~~ <sup>and</sup> 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<sup>v</sup> 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.~~

Insert 7-1

1

~~(1) This act first applies to~~ emergencies involving the release or potential

2

release of hazardous substances that occur on the effective date of this subsection.

3

(END)

1

insert 1-7

*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.

than

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 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 response team make a good faith effort to identify the person responsible for the hazardous substance release and to determine if that person is financially able to reimburse the team for expenses incurred in responding to the release. Currently, a person financially able to reimburse the team for expenses incurred in responding to the release is required to reimburse those expenses.

emergency

response

who is

who is

This bill requires the division of emergency management to promulgate rules requiring the regional and local emergency response teams to establish procedures that the team will follow to determine if an emergency that requires the 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 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 the 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.

5

emergency

a

has

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insert 7-1:

3

**SECTION 9336. Initial applicability; military affairs.**

FE-5/2

and (3) ✓  
(1) (gk) ✓ and (im) ✓ and  
(4) ✓ and (hs) ✓

1 (1) EMERGENCY RESPONSE. The treatment of sections 166.20 (2) (bm) 1 and 2 ✓  
2 166.21 (2m) (e) and (f) ✓, 166.215 (2) ✓, 166.22 (1) (a) ✓, ~~and (d)~~ ✓, (c) ✓, (2) ✓, (3) ✓, (3m) ✓, and (5) (am) ✓  
3 and (b) ✓, and 895.483 (title) and (2) ✓ of the statutes, the repeal and recreation of  
4 166.215 (3) and 166.22 (4) of the statutes and the creation of 166.20 (1) (gk) and (im) ✓  
5 and (2) (hs) and 166.22 (1) (d) of the statutes first applies to



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0549/1  
RPN:kmg:km

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

1 AN ACT ...; relating to: the budget.

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*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

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) (e) 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.

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

2           166.22 (5) (b) The reviewing entity shall review claims submitted under par.  
3 (am) and determine the amount of reasonable and necessary expenses incurred. The  
4 reviewing entity shall provide a person who is liable for reimbursement under sub.  
5 (4) with a notice of the amount of expenses it has determined to be reasonable and  
6 necessary that ~~arise from one discharge and are~~ arose from the emergency involving  
7 the release or potential release of a hazardous substance and that were incurred by  
8 all local agencies from which the reviewing entity receives a claim.

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

10           **895.483 (title) Civil liability exemption; regional and county local**  
11 **emergency response teams and their sponsoring agencies.**

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

13           895.483 (2) A ~~county~~ local emergency response team, a member of such a team  
14 and the county, city, village, or town that contracts to provide the emergency response  
15 team to the county are immune from civil liability for acts or omissions related to  
16 carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).

17           **SECTION 9336. Initial applicability; military affairs.**

18           (1) **EMERGENCY RESPONSE.** The treatment of sections 166.20 (1) (gk) and (im) and  
19 (2) (bm) 1. and 2. and (bs), 166.21 (2m) (e) and (f), 166.215 (2) and (3), 166.22 (1) (a),  
20 (c), and (d), (2), (3), (3m), (4), and (5) (am) and (b), and 895.483 (title) and (2) of the  
21 statutes first applies to emergencies involving the release or potential release of  
22 hazardous substances that occur on the effective date of this subsection.

23

(END)