



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 3,
TO 2005 ASSEMBLY BILL 222**

June 23, 2005 - Offered by Representatives McCORMICK and STASKUNAS.

1 **AN ACT** *to create* 20.370 (2) (dj) and 292.83 of the statutes; **relating to:**
2 nonbinding arbitration to resolve Fox River cleanup coverage disputes and
3 making an appropriation.

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

4 **SECTION 1.** 20.370 (2) (dj) of the statutes is created to read:
5 20.370 (2) (dj) *Fox River cleanup arbitration.* All moneys received under s.
6 292.83 (3) to pay the costs related to the arbitration procedure under s. 292.83.

7 **SECTION 2.** 292.83 of the statutes is created to read:

8 **292.83 Arbitration of Fox River cleanup coverage dispute.** (1) The
9 department shall establish a nonbinding arbitration procedure for resolving all
10 claims related to insurance coverage for the costs related to remedial action involving
11 the removal of at least 10,000 tons of contaminated material from the bed or banks

1 of the Fox River. No later than the 120th day after the effective date of this subsection
2 [revisor inserts date], the department shall identify and notify all persons that are
3 responsible under this chapter or the federal Comprehensive Environmental
4 Response, Compensation, and Liability Act, 42 USC 9601 to 9675, for that remedial
5 action and, with the assistance of the commissioner of insurance, all insurers that
6 are potentially responsible for paying claims related to the remedial action, who shall
7 submit their disputes to the nonbinding arbitration under this section.

8 (2) Under the procedure, all responsible persons identified by the department
9 under sub. (1) shall together select one arbitrator, no later than the 90th day after
10 the department makes the last notification under sub. (1); all insurers identified by
11 the department under sub. (1) shall together select one arbitrator, no later than the
12 90th day after the department makes the last notification under sub. (1); and the 2
13 arbitrators selected shall together select a 3rd arbitrator. The department shall
14 assign employees of the department to provide administrative services to the
15 arbitration panel. The arbitrators shall, no later than the first day of the 19th month
16 beginning after the effective date of this subsection [revisor inserts date], propose
17 a resolution of all issues related to insurance coverage for costs related to the
18 remedial action, including the insurers responsible for payment, the persons to
19 whom payments are due, and the amounts of the payments.

20 (3) The department shall assess and collect fees from the parties to the
21 arbitration procedure under sub. (2) to cover costs related to the arbitration
22 procedure.

23 (END)