



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 552**

October 31, 1995 – Offered by COMMITTEE ON ENVIRONMENT AND UTILITIES.

1 **AN ACT to create** 895.55 of the statutes; **relating to:** granting civil immunity for
2 responses to an oil discharge.

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

3 **SECTION 1.** 895.55 of the statutes is created to read:

4 **895.55 Liability exemption; oil discharge control.** (1) In this section:

5 (a) “Damages” means those damages specified in 33 USC 2702 (b) (2) and
6 includes the cost of assessing those damages.

7 (b) “Discharge” means, but is not limited to, spilling, leaking, pumping,
8 pouring, emitting, emptying or dumping.

9 (c) “Federal on-scene coordinator” means the federal official designated by the
10 federal environmental protection agency or the U.S. coast guard to coordinate and
11 direct responses under the national contingency plan.

12 (d) “National contingency plan” means the plan prepared and published under
13 33 USC 1321 (d).

1 (e) "Oil" means petroleum, hydrocarbon, vegetable or mineral oil of any kind
2 or in any form and includes oil mixed with wastes other than dredged spoil.

3 (f) "Person" means an individual, owner, operator, corporation, limited liability
4 company, partnership, association, municipality, interstate agency, state agency or
5 federal agency.

6 (g) "Removal" means the containment and elimination of oil from water,
7 shorelines and beaches or the taking of other actions, including disposal, as may be
8 necessary to minimize or mitigate damages to public health and welfare, including
9 to fish, shellfish, wildlife and public or private property, shorelines and beaches.

10 (h) "Removal costs" means the costs of removal that are incurred after an oil
11 discharge occurs or, if there is a substantial threat of an oil discharge, the costs to
12 prevent, minimize or mitigate an oil discharge.

13 (i) "State contingency plan" means the plan prepared and published under s.
14 144.76 (5).

15 **(2)** Notwithstanding ss. 29.626, 29.65, 30.298 (5), 144.442 (9), 144.76 (7),
16 147.23, 166.215 (3), 166.22 (4) and 895.57 (2), a person is immune from liability for
17 damages resulting from the person's acts or omissions and for the removal costs
18 resulting from the person's acts or omissions if all of the following conditions are met:

19 (a) Those acts or omissions were taken while rendering assistance, advice or
20 care related to the threat of an oil discharge into the navigable waters of this state
21 or related to the removal of oil resulting from an oil discharge into the navigable
22 waters of this state.

23 (b) The assistance, advice or care was consistent with the national contingency
24 plan or the state contingency plan or was otherwise directed by the federal on-scene
25 coordinator or the secretary of natural resources.

