

2007 DRAFTING REQUEST

Bill

Received: 06/12/2007

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Judith Robson (608) 266-2253

By/Representing: Randi Milsap

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Military Affairs - emerg govt

Extra Copies:

Submit via email: YES

Requester's email: Sen.Robson@legis.wisconsin.gov

Carbon copy (CC:) to: randi.milsap@wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Public works agency emergency response

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	rnelson2 06/14/2007	bkraft 06/15/2007	rschluet 06/15/2007	_____	mbarman 06/15/2007		
				_____	mbarman 06/15/2007		

/P2	rnelson2 08/21/2007	bkraft 08/23/2007	nnatzke 08/23/2007	_____	lparisi 08/23/2007		
				_____	lparisi 08/23/2007		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rnelson2 01/15/2008	bkraft 01/15/2008	jfrantze 01/15/2008	_____	cduerst 01/15/2008	cduerst 01/15/2008	

FE Sent For: *N/A*

<END>

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/P2	rnelson2 08/21/2007	bkraft 08/23/2007	nmatzke 08/23/2007	_____	lparisi 08/23/2007 lparisi 08/23/2007		

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				_____	mbarman 06/15/2007		

/P2	rnelson2 08/21/2007	bkraft 08/23/2007	nmatzke 08/23/2007	_____	lparisi 08/23/2007		
				_____	lparisi 08/23/2007		

Handwritten signature and date: 11/5

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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May Contact:

Addl. Drafters:

Subject: Military Affairs - emerg govt

Extra Copies:

Submit via email: YES

Requester's email: Sen.Robson@legis.wisconsin.gov

Carbon copy (CC:) to: randi.milsap@dma.wisconsin.gov

fixed

Pre Topic:

No specific pre topic given

Topic:

Public works agency emergency response

Instructions:

See Attached

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/P1	rnelson2 06/14/2007	bkraft 06/15/2007	rschluet 06/15/2007		mbarman 06/15/2007		
					mbarman 06/15/2007		
		/P2 bjk	8/23 8/23	nwn nwn/jf 8/23			

FE Sent For:

<END>

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By/Representing: **Randi Milsap**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Military Affairs - emerg govt**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Robson@legis.wisconsin.gov**

Carbon copy (CC:) to: **milsar@dma.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Public works agency emergency response

Instructions:

See Attached

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Subject: Military Affairs - emerg govt

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Randi Milsap, DMA

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/?	rnelson2	/Pl bjk 6/14	<i>[Signature]</i>				
		/Pl jld 6/15	<i>[Signature]</i>				

FE Sent For:

6137

<END>

Nelson, Robert P.

From: Milsap, Randi - DMA
Sent: Monday, June 11, 2007 2:38 PM
To: Nelson, Robert P.
Subject: Public works draft language

Attachments: Public Works language.doc

Bob:
Pursuant to our conversation with Senator Robson last week, attached please find my notional draft language on public works intergovernmental cooperation.



Public Works
language.doc (35 ...)

Randi Wind Milsap

Legal Counsel
WI Dept. of Military Affairs
2400 Wright Street
Madison, WI 53708
Phone: (608) 242-3072; DSN 724-3072
Secure Fax: (608) 242-3082; DSN 724-3082
E-mail: randi.milsap@wisconsin.gov

*Chris Molese
79649*

NOTIONAL DRAFT LANGUAGE

166.03(2) (a) 3 is amended to read:

3. Furnish guidance and develop and promulgate standards for emergency management programs for counties, cities, villages, and towns, and prescribe nomenclature for all levels of emergency management. The standards shall include a requirement that county, city, village, and town emergency management programs under sub. (4) (a) utilize the incident command system during a state of emergency declared under sub. (1) (b) 1. or s. 166.23 (1) or in any other multi-jurisdictional or multi-agency emergency response. The standards for fire, rescue, and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response. The adjutant general shall promulgate these standards as rules. The standards for municipal public works shall include the adoption of a statewide mutual assistance agreement as a mechanism that may be used for the intergovernmental collaboration of public works personnel, equipment and resources in a multi-jurisdictional or multi-agency emergency response.

created by the division

model?



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2871/P1

RPN:.....

bjk
↓
jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓
X-ref ✓

d-note

1 AN ACT ...; ^{gen. cat.} relating to: standards for emergency management programs for
2 public works ~~agencies~~. ^{departments} departments

Analysis by the Legislative Reference Bureau

✓ This is a preliminary draft. An analysis will be provided in a later version. ✓

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

3 SECTION 1. 166.03 (2) (a) 3. of the statutes is amended to read:

4 ✓ 166.03 (2) (a) 3. Furnish guidance and develop and promulgate standards for
5 emergency management programs for counties, cities, villages, and towns, and
6 prescribe nomenclature for all levels of emergency management. The standards
7 shall include a requirement that county, city, village, and town emergency
8 management programs under sub. (4) (a) utilize the incident command system
9 during a state of emergency declared under sub. (1) (b) 1. or s. 166.23 (1) or in any

1 other multi-jurisdictional or multi-agency emergency response. The standards for
 2 fire, rescue, and emergency medical services shall include the adoption of the
 3 intergovernmental cooperation Mutual Aid Box Alarm System as a mechanism that
 4 may be used for deploying personnel and equipment in a multi-jurisdictional or
 5 multi-agency emergency response. The standards for public works departments
 6 shall include the suggestion that the county, city, village or town adopt a mutual
 7 assistance agreement created by the division for the intergovernmental
 8 collaboration of public works department personnel, equipment, and resources in a
 9 multi-jurisdictional or multi-agency emergency response. The adjutant general
 10 shall promulgate these standards as rules.

11 **Cross Reference:** Cross Reference: Cross Reference: See also ch. WEM 8, Wis. adm. code. **Cross Reference:**
History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27;
 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253,
 257, 269, 459.

(END)

d-note
↓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2871/P1dn
RPN:.....

Date

1
bjk
+
jld

This draft is based on language suggested by Randi Milsap, DMA. She placed the language after the requirement that the adjutant general promulgate the standards as rules to suggest that these public works standards should not be published as rules. But, I am not sure if a court would interpret the language that way and I think a policy of statewide applicability like this is required under ch. 227 to be a rule, so I moved it before the last sentence in current law.

move (with arrow pointing from "to be a rule" to "before the last sentence")

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2871/P1dn
RPN:bjk&jld:rs

June 15, 2007

This draft is based on language suggested by Randi Milsap, DMA. She placed the language after the requirement that the adjutant general promulgate the standards as rules to suggest that these public works standards should not be published as rules. But, I am not sure if a court would interpret the language that way; I think a policy of statewide applicability like this is required to be a rule, under ch. 227, so I moved it before the last sentence in current law.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

Barman, Mike

From: Barman, Mike
Sent: Thursday, June 21, 2007 7:44 AM
To: Nelson, Robert P.
Subject: FW: Draft review: LRB 07-2871/P1 Topic: Public works agency emergency response

From: Milsap, Randi - DMA
Sent: Wednesday, June 20, 2007 3:54 PM
To: Barman, Mike
Subject: RE: Draft review: LRB 07-2871/P1 Topic: Public works agency emergency response

Mike:
This language looks good and certainly meets the intent of Senator Robson and her constituents.

Randi Wind Milsap

Legal Counsel
WI Dept. of Military Affairs
2400 Wright Street
Madison, WI 53708
Phone: (608) 242-3072; DSN 724-3072
Secure Fax: (608) 242-3082; DSN 724-3082
E-mail: randi.milsap@wisconsin.gov

-----Original Message-----

From: Barman, Mike [mailto:Mike.Barman@legis.wisconsin.gov]
Sent: Friday, June 15, 2007 10:21 AM
To: milsar@dma.state.wi.us
Subject: Draft review: LRB 07-2871/P1 Topic: Public works agency emergency response

Draft Requester: Judith Robson

Following is the PDF version of draft LRB 07-2871/P1 and drafter's note.

Barman, Mike

From: Barman, Mike
Sent: Monday, July 23, 2007 7:49 AM
To: Nelson, Robert P.; Milsap, Randi - DMA
Subject: FW: Draft review: LRB 07-2871/P1 Topic: Public works agency emergency response
Attachments: Public Works language amended.doc

Randi,

I forwarded your comments on to the drafting attorney ... Robert Nelson.

Thanks

From: Milsap, Randi - DMA
Sent: Thursday, July 19, 2007 1:28 PM
To: Barman, Mike
Cc: Nelson, Robert P.
Subject: RE: Draft review: LRB 07-2871/P1 Topic: Public works agency emergency response

Mike:

I met with public works officials yesterday to discuss LRB 07-2871/P1. Based upon their review and comments, I have made certain amendments to the draft language. I have attached those suggestions for your review.

In the attached document, I have included a definition for "public works" which is not currently in the statutes. I have suggested placing it in Chapter 166 but perhaps there may be a better place for it. The public works officials also felt that we should get away from the use of public works "department" because many are not organized that way. To that end, I propose we clarify that term under s. 166.22 to be consistent. Lastly, we should include tribe or band in the language.

Thanks for all your help in this matter.
Randi

Randi Wind Milsap

Legal Counsel
WI Dept. of Military Affairs
2400 Wright Street
Madison, WI 53708
Phone: (608) 242-3072; DSN 724-3072
Secure Fax: (608) 242-3082; DSN 724-3082
E-mail: randi.milsap@wisconsin.gov

-----Original Message-----

From: Barman, Mike [mailto:Mike.Barman@legis.wisconsin.gov]
Sent: Friday, June 15, 2007 10:21 AM
To: milsar@dma.state.wi.us
Subject: Draft review: LRB 07-2871/P1 Topic: Public works agency emergency response

Draft Requester: Judith Robson

Following is the PDF version of draft LRB 07-2871/P1 and drafter's note.

07/23/2007

Nelson, Robert P.

From: Milsap, Randi - DMA
Sent: Thursday, July 19, 2007 1:28 PM
To: Barman, Mike
Cc: Nelson, Robert P.
Subject: RE: Draft review: LRB 07-2871/P1 Topic: Public works agency emergency response
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Thanks for all your help in this matter.
 Randi

Randi Wind Milsap

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 WI Dept. of Military Affairs
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 Secure Fax: (608) 242-3082; DSN 724-3082
 E-mail: randi.milsap@wisconsin.gov

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Sent: Friday, June 15, 2007 10:21 AM
To: milsar@dma.state.wi.us
Subject: Draft review: LRB 07-2871/P1 Topic: Public works agency emergency response

Draft Requester: Judith Robson

Following is the PDF version of draft LRB 07-2871/P1 and drafter's note.

AMENDED LANGUAGE TO LRB-2871/P1dn

SECTION 1. 166.02 ___ of the statutes is amended to read:

() "Public works" means the physical structures and facilities developed or acquired by a local government unit, tribe or band to house governmental functions and provide water, waste disposal, power, transportation, and similar services for the benefit and use of the public.

local governmental unit?
2.
L.G.U. means more than "pol. subd." - which means city, village, town, or county.
Sec. 1. 66.0131(7)(a)

native American

the entity that provides services, including

sewerage services,

SECTION 2. 166.03 (2) (a) 3 of the statutes is amended to read:

3. Furnish guidance and develop and promulgate standards for emergency management programs for counties, cities, villages, and towns, and prescribe nomenclature for all levels of emergency management. The standards shall include a requirement that county, city, village, and town emergency management programs under sub. (4) (a) utilize the incident command system during a state of emergency declared under sub. (1) (b) 1. or s. 166.23 (1) or in any other multi-jurisdictional or multi-agency emergency response. The standards for fire, rescue, and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response. The standards for public works department shall include the suggestion that the county, city, village or town, tribe or band adopt a mutual assistance agreement created by the division for the intergovernmental collaboration of public works department personnel, equipment and resources in a multi-jurisdictional or multi-agency emergency response. The adjutant general shall promulgate these standards as rules.

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

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

or county



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2871/P
RPN:bjk&jld:rs

3
stays

Inserts

✓ PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

P-Note

SA ✓
X-ref ✓

1 AN ACT to amend 166.03 (2) (a) 3. of the statutes; relating to: standards for
2 emergency management programs for public works departments.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version. ✓

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

insert
1-3: →
③

SECTION ~~4~~ 166.03 (2) (a) 3. of the statutes is amended to read:

4 166.03 (2) (a) 3. Furnish guidance and develop and promulgate standards for
5 emergency management programs for counties, cities, villages, and towns, and
6 prescribe nomenclature for all levels of emergency management. The standards
7 shall include a requirement that county, city, village, and town emergency
8 management programs under sub. (4) (a) utilize the incident command system
9 during a state of emergency declared under sub. (1) (b) 1. or s. 166.23 (1) or in any
10 other multi-jurisdictional or multi-agency emergency response. The standards for

SECTION 1

1 fire, rescue, and emergency medical services shall include the adoption of the
 2 intergovernmental cooperation Mutual Aid Box Alarm System as a mechanism that
 3 may be used for deploying personnel and equipment in a multi-jurisdictional or
 4 multi-agency emergency response. ^{agencies that manage ✓} The standards for public works departments ✓
 5 shall include the suggestion that the ^{a county or native American tribe or band} county, city, village, or town adopt a mutual
 6 assistance agreement created by the division for the intergovernmental
 7 collaboration of public works ^{department} department personnel, equipment, and resources in a
 8 multi-jurisdictional or multi-agency emergency response. The adjutant general
 9 shall promulgate these standards as rules.

10

(END)

Insert 2-9:

D-note

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2871/P2ins
RPN:bjk&jld:rs

stays

1 insert 1-3: ✓

2 SECTION 1. 166.02 (7m) of the statutes is created to read:

3 ✓ 166.02 (7m) "Public works" means the physical structures and facilities
4 developed or acquired by a city, village, town, county, or native American tribe or
5 band to provide services and functions for the benefit and use of the public, including
6 water, sewerage services, waste disposal, power, and transportation.

end of insert 1-3

8 insert 2-9: ✓

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

10 ✓ 166.22 (1) (c) "Local agency" means an agency of a ~~county~~, city, village, or town,
11 or county, including a municipal police or fire department, a municipal health
12 organization, a county office of emergency management, a county sheriff, an
13 emergency medical service, a local emergency response team, or a an agency that
14 manages public works department. ✓

strike comma

History: 1989 a. 256; 1995 a. 13, 227, 247; 1997 a. 27; 2001 a. 16.

end of insert 2-9

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2871/P2dn
RPN:bjk&jld:rs

stays

Date

✓ This draft is based on the suggested language I received from Randi Milsap in an e-mail dated July 19th. ✓ I made some changes so please review the language carefully. ✓

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2871/P2dn
RPN:bjk:nwn

August 23, 2007

This draft is based on the suggested language I received from Randi Milsap in an e-mail dated July 19th. I made some changes so please review the language carefully.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

RPN

Parisi, Lori

From: Gratz, Nadine
Sent: Tuesday, January 15, 2008 8:58 AM
To: Parisi, Lori
Subject: RE: Draft review: LRB 07-2871/P2 Topic: Public works agency emergency response

Please have this proposal drafted for introduction as it stands. Thank you. Let me know if you have any questions.

Nadine Gratz
Office of Senator Judy Robson
266-2253

From: Parisi, Lori
Sent: Thursday, August 23, 2007 11:38 AM
To: Sen.Robson
Subject: Draft review: LRB 07-2871/P2 Topic: Public works agency emergency response

Following is the PDF version of draft LRB 07-2871/P2 and drafter's note.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2871/P2
RPN:bjk&jld:nwn

stay

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

Insert

SAV

regen. cont.

1 AN ACT *to amend* 166.03 (2) (a) 3. and 166.22 (1) (c); and *to create* 166.02 (7m)
2 of the statutes; **relating to:** standards for emergency management programs
3 for public works departments.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

4 SECTION 1. 166.02 (7m) of the statutes is created to read:
5 166.02 (7m) "Public works" means the physical structures and facilities
6 developed or acquired by a city, village, town, county, or Native American tribe or
7 band to provide services and functions for the benefit and use of the public, including
8 water, sewerage services, waste disposal, power, and transportation.

9 SECTION 2. 166.03 (2) (a) 3. of the statutes is amended to read:
10 166.03 (2) (a) 3. Furnish guidance and develop and promulgate standards for
11 emergency management programs for counties, cities, villages, and towns, and

Insert anal.

SECTION 2

1 prescribe nomenclature for all levels of emergency management. The standards
2 shall include a requirement that county, city, village, and town emergency
3 management programs under sub. (4) (a) utilize the incident command system
4 during a state of emergency declared under sub. (1) (b) 1. or s. 166.23 (1) or in any
5 other multi-jurisdictional or multi-agency emergency response. The standards for
6 fire, rescue, and emergency medical services shall include the adoption of the
7 intergovernmental cooperation Mutual Aid Box Alarm System as a mechanism that
8 may be used for deploying personnel and equipment in a multi-jurisdictional or
9 multi-agency emergency response. The standards for agencies that manage public
10 works shall include the suggestion that the city, village, town, county, or Native
11 American tribe or band adopt a mutual assistance agreement created by the division
12 for the intergovernmental collaboration of public works personnel, equipment, and
13 resources in a multi-jurisdictional or multi-agency emergency response. The
14 adjutant general shall promulgate these standards as rules.

15 **SECTION 3.** 166.22 (1) (c) of the statutes is amended to read:

16 166.22 (1) (c) "Local agency" means an agency of a ~~county~~, city, village, ~~or~~ town,
17 or county, including a municipal police or fire department, a municipal health
18 organization, a county office of emergency management, a county sheriff, an
19 emergency medical service, a local emergency response team, or a an agency that
20 manages public works department.

21 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2871/lins
RPN:bjk&jlg:awn

of the Department of Military Affairs

insert anl:

Under current law, the adjutant general is required to develop standards for the emergency management programs of local governments. These standards must be promulgated as rules. The adjutant general is required to include in the standards the utilization of the incident command system during a state of emergency and the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System for deploying fire, rescue, and emergency medical services personnel and equipment in a multi-jurisdictional emergency response.

This bill requires the adjutant general to include in the standards for agencies that manage public works the suggestion that the local agencies adopt a mutual assistance agreement created by the division of emergency management for the intergovernmental collaboration of public works personnel, equipment, and resources in a multi-jurisdictional emergency.

end insert anl.

Duerst, Christina

From: Gratz, Nadine
Sent: Tuesday, January 15, 2008 3:37 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-2871/1 Topic: Public works agency emergency response

Please Jacket LRB 07-2871/1 for the SENATE.