

2013 DRAFTING REQUEST

Bill

Received: **1/31/2013** Received By: **phurley**
Wanted: **As time permits** Same as LRB:
For: **Terese Berceau (608) 266-3784** By/Representing:
May Contact: Drafter: **phurley**
Subject: **Justice - criminal** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Berceau@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Training in traumatic brain injuries

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> |
|--------------|----------------------|----------------------|----------------------|----------------|----------------------|----------------------|-----------------|
| /? | phurley 1/31/2013 | scalvin 1/31/2013 | jfrantze 2/1/2013 | _____ | | | |
| /1 | phurley 7/3/2013 | | | _____ | mbarman 2/1/2013 | mbarman 4/5/2013 | State |
| /2 | | scalvin 7/3/2013 | jmurphy 7/9/2013 | _____ | sbasford 7/9/2013 | sbasford 7/9/2013 | State |

FE Sent For:

07-10-2013
("1/2")

<END>

see attached

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|--------------|----------------------|-----------------------|----------------------|----------------|---------------------|---------------------|-----------------|
| /? | phurley 1/31/2013 | scalvin 1/31/2013 | jfrantze 2/1/2013 | _____ | | | |
| /1 | | 1/2 sac 07/03/2013 | jm 7/8/13 | _____ | mbarman 2/1/2013 | mbarman 4/5/2013 | State |

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| /1 | | | | _____ | mbarman 2/1/2013 | | State |

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|--------------|----------------|----------------------|---|----------------|------------------|-----------------|-----------------|
| 1? | phurley | 11 sac 01/31/2013 |  2 | 1 | _____ | _____ | _____ |

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3848/1

PJH:ldj/m

Sac

14511

mmr

2011 SENATE BILL 471

February 14, 2012 - Introduced by Senators HANSEN, TAYLOR and LASSA, cosponsored by Representatives BERCEAU, PASCH, POCAN, RADCLIFFE, ROYS, SPANBAUER and ZEPNICK. Referred to Committee on Public Health, Human Services, and Revenue.

1-31-13

- gen cut

1 AN ACT *to create* 165.85 (4) (b) 1d. g., 256.15 (6) (a) 5., 256.15 (8) (b) 4. and 256.15
2 (9r) of the statutes; **relating to:** training in traumatic brain injury awareness
3 for law enforcement officers, tribal officers, emergency medical technicians,
4 and first responders and granting rule-making authority.

Analysis by the Legislative Reference Bureau (LESB)

Under current law, the Law Enforcement Standards Board creates a training program that most law enforcement officers and tribal officers are required to complete. Current law requires the program to include some specialized training, including training in handling domestic abuse situations, training on emergency detention standards, awareness of Alzheimer's and other dementia-related diseases, responses to terrorist acts, and cultural diversity and sensitivity.

Under current law, the Department of Health Services (DHS) may license a person as an emergency medical technician or certify a person as a first responder if the person satisfactorily completes a course of instruction and training or otherwise demonstrates that he or she is sufficiently trained and educated in emergency care. Current law requires specialized training in responses to terrorist acts and allows DHS to set additional qualification requirements and to promulgate rules for specialized training.

This bill requires the training program for law enforcement officers and tribal officers and the course of instruction and training for emergency medical technicians and first responders to include specialized training in recognizing and interacting with persons who have suffered a traumatic brain injury.

Insert analysis

INSERT ANALYSIS:

This bill requires ~~the~~ LESB and DHS to develop, by rule, a portion of the training program for law enforcement officers and tribal officers and the course of instruction and training for emergency medical technicians and first responders, that includes specialized training in recognizing and interacting with persons who have suffered a traumatic brain injury. Under the bill, LESB and DHS may operate their training program and course of instruction under emergency rule authority until the permanent rules are promulgated.

INSERT 2.18: *LPS: check font size*

* SECTION 5. Nonstatutory provisions.

(1) PROPOSED PERMANENT RULES. The law enforcement standards board and the department of health services shall submit in proposed form the rules required under section^s 165.85 (4) (b) (1d) g. of the statutes and section 256.15 (9r) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this subsection.

* (2) RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.(a) Notwithstanding section 227.135 (2) of the statutes, the law enforcement standards board and the department of health services are not required to present the statement of the scope of the rules required under section^s 165.85 (4) (b) (1d) g. of the statutes and section 256.15 (9r) of the statutes, as created by this act, to the governor for approval.

* (b) Notwithstanding section 227.185 of the statutes, the law enforcement standards board and the department of health services are not required to present the rules required under section^s 165.85 (4) (b) (1d) g. of the statutes and section

256.15 (9r) of the statutes, as created by this act, in final draft form to the governor for approval.

* (c) Notwithstanding section 227.137 (2) of the statutes, the law enforcement standards board and the department of health services are not required to prepare an economic impact report for the rules required under section ^S 165.85 (4) (b) (1d) g. of the statutes and section 256.15 (9r) of the statutes, as created by this act.

* (d) Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the statutes, the law enforcement standards board and the department of health services are not required to submit the proposed rules required under section ^S 165.85 (4) (b) (1d) g. of the statutes and section 256.15 (9r) of the statutes, as created by this act, to the small business regulatory review board and are not required to prepare a final regulatory flexibility analysis for those rules.

* (3) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes, the law enforcement standards board and the department of health services shall promulgate the rules required under section ^S 165.85 (4) (b) (1d) g. of the statutes and section 256.15 (9r) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section ^S 165.85 (4) (b) (1d) g. of the statutes and section 256.15 (9r) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the law enforcement standards board and the department of health services are not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and are not required to provide a finding of an emergency for a rule promulgated under this subsection.

Notwithstanding section 227.24 (1) (e) 1d. and 1g. of the statutes, the law enforcement standards board and the department of health services are not required to prepare a statement of the scope of the rules promulgated under this subsection or present the rules to the governor for approval.

SECTION 1. Effective dates. This act takes effect on the first day of the 4th month beginning after publication except as follows:

- (1) SECTION 5 (1), (2) and (3) of this act takes effect on the day after publication.

Parisi, Lori

From: Clark, Lloyd
Sent: Friday, April 05, 2013 12:35 PM
To: LRB.Legal
Subject: Draft Review: LRB -1451/1 Topic: Training in traumatic brain injuries

Please Jacket LRB -1451/1 for the ASSEMBLY.



2
e
MK

2013 BILL

7-3-13

and post-traumatic stress disorder

1 **AN ACT to create** 165.85 (4) (b) 1d. g., 256.15 (6) (a) 5., 256.15 (8) (b) 4. and 256.15
2 (9r) of the statutes; **relating to:** training in traumatic brain injury awareness
3 for law enforcement officers, tribal officers, emergency medical technicians,
4 and first responders and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Law Enforcement Standards Board (LESB) creates a training program that most law enforcement officers and tribal officers are required to complete. Current law requires the program to include some specialized training, including training in handling domestic abuse situations, training on emergency detention standards, awareness of Alzheimer's and other dementia-related diseases, responses to terrorist acts, and cultural diversity and sensitivity.

Under current law, the Department of Health Services (DHS) may license a person as an emergency medical technician or certify a person as a first responder if the person satisfactorily completes a course of instruction and training or otherwise demonstrates that he or she is sufficiently trained and educated in emergency care. Current law requires specialized training in responses to terrorist acts and allows DHS to set additional qualification requirements and to promulgate rules for specialized training.

This bill requires LESB and DHS to develop, by rule, a portion of the training program for law enforcement officers and tribal officers and the course of instruction and training for emergency medical technicians and first responders, that includes specialized training in recognizing and interacting with persons who have suffered

BILL

or who suffer from post-traumatic stress disorder

a traumatic brain injury. Under the bill, LESB and DHS may operate their training program and course of instruction under emergency rule authority until the permanent rules are promulgated.

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

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

with post-traumatic stress disorder or

1 SECTION 1. 165.85 (4) (b) 1d. g. of the statutes is created to read:

2 165.85 (4) (b) 1d. g. Training on interacting with persons who have suffered
3 traumatic brain injuries, including general knowledge of traumatic brain injuries
4 and recognizing the symptoms of, and assessing a person's behaviors to determine
5 if they may be associated with, a traumatic brain injury.

and post-traumatic stress disorder

or post-traumatic stress disorder

6 SECTION 2. 256.15 (6) (a) 5. of the statutes is created to read:

7 256.15 (6) (a) 5. Have successfully completed the training under sub. (9r).

8 SECTION 3. 256.15 (8) (b) 4. of the statutes is created to read:

9 256.15 (8) (b) 4. The individual successfully completes the training under sub.
10 (9r).

AND POST-TRAUMATIC STRESS DISORDER

11 SECTION 4. 256.15 (9r) of the statutes is created to read:

12 256.15 (9r) TRAUMATIC BRAIN INJURY TRAINING. The department shall
13 promulgate rules requiring emergency medical technicians, first responders, and
14 individuals who apply for an initial license as an emergency medical technician or
15 for initial certification as a first responder to successfully complete training on
16 traumatic brain injuries. The training shall include general knowledge of traumatic
17 brain injuries and recognizing the symptoms of, and assessing a person's behaviors
18 to determine if they may be associated with, a traumatic brain injury.

and post-traumatic stress disorder

or post-traumatic stress disorder

19 SECTION 5. Nonstatutory provisions.

and post-traumatic stress disorder

BILL

1 (1) PROPOSED PERMANENT RULES. The law enforcement standards board and the
2 department of health services shall submit in proposed form the rules required under
3 sections 165.85 (4) (b) 1d. g. and 256.15 (9r) of the statutes, as created by this act, to
4 the legislative council staff under section 227.15 (1) of the statutes no later than the
5 first day of the 4th month beginning after the effective date of this subsection.

6 (2) RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.

7 (a) Notwithstanding section 227.135 (2) of the statutes, the law enforcement
8 standards board and the department of health services are not required to present
9 the statement of the scope of the rules required under section 165.85 (4) (b) 1d. g. and
10 256.15 (9r) of the statutes, as created by this act, to the governor for approval.

11 (b) Notwithstanding section 227.185 of the statutes, the law enforcement
12 standards board and the department of health services are not required to present
13 the rules required under sections 165.85 (4) (b) 1d. g. and 256.15 (9r) of the statutes,
14 as created by this act, in final draft form to the governor for approval.

15 (c) Notwithstanding section 227.137 (2) of the statutes, the law enforcement
16 standards board and the department of health services are not required to prepare
17 an economic impact report for the rules required under sections 165.85 (4) (b) 1d. g.
18 and 256.15 (9r) of the statutes, as created by this act.

19 (d) Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the statutes, the
20 law enforcement standards board and the department of health services are not
21 required to submit the proposed rules required under sections 165.85 (4) (b) 1d. g.
22 and 256.15 (9r) of the statutes, as created by this act, to the small business regulatory
23 review board and are not required to prepare a final regulatory flexibility analysis
24 for those rules.

BILL

1 (3) **EMERGENCY RULES.** Using the procedure under section 227.24 of the statutes,
2 the law enforcement standards board and the department of health services shall
3 promulgate the rules required under sections 165.85 (4) (b) 1d. g. and 256.15 (9r) of
4 the statutes, as created by this act, for the period before the effective date of the
5 permanent rules promulgated under sections 165.85 (4) (b) 1d. g. and 256.15 (9r) of
6 the statutes, as created by this act, but not to exceed the period authorized under
7 section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of
8 the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,
9 the law enforcement standards board and the department of health services are not
10 required to provide evidence that promulgating a rule under this subsection as an
11 emergency rule is necessary for the preservation of public peace, health, safety, or
12 welfare and are not required to provide a finding of an emergency for a rule
13 promulgated under this subsection. Notwithstanding section 227.24 (1) (e) 1d. and
14 1g. of the statutes, the law enforcement standards board and the department of
15 health services are not required to prepare a statement of the scope of the rules
16 promulgated under this subsection or present the rules to the governor for approval.

17 **SECTION 6. Effective dates.** This act takes effect on the ^{first} day after publication,
18 except as follows: *of the 4th month beginning*

19 (1) SECTION 5 (1), (2), and (3) of this act takes effect on the day after publication.

20 (END)

Barman, Mike

From: Barman, Mike
Sent: Wednesday, July 10, 2013 9:24 AM
To: Clark, Lloyd
Subject: LRB-1451/2 ... Early FE

Lloyd,

Per your request, I submitted LRB-1451/2 to DOA for "Early FE" assignment.

Please let me know if I can be of further assistance.

Mike Barman (Lead Program Assistant)

State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Basford, Sarah
Sent: Wednesday, July 10, 2013 9:16 AM
To: Barman, Mike
Subject: FW: Submitted: LRB -1451/2 Topic: Training in traumatic brain injuries?body=

From: Hurley, Peggy
Sent: Wednesday, July 10, 2013 9:15 AM
To: Basford, Sarah
Cc: Clark, Lloyd
Subject: FW: Submitted: LRB -1451/2 Topic: Training in traumatic brain injuries?body=

Sarah,

Can you help Lloyd with this inquiry?

Peggy

From: Clark, Lloyd
Sent: Tuesday, July 09, 2013 3:01 PM
To: Hurley, Peggy
Subject: Submitted: LRB -1451/2 Topic: Training in traumatic brain injuries?body=

Peggy,

Forgive me, but how do I request a fiscal estimate again?

Thanks,

Lloyd Clark
Office of State Representative Terese Berceau
608-266-3784
lloyd.clark@legis.wisconsin.gov

Memo

To: Representative **Berceau**

Per your request ... the attached fiscal estimate was prepared for your un-introduced 2013 session draft.

LRB Number: LRB 13-1451

Version: **“ /2 ”**

Fiscal Estimate Prepared By: DHS

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: **7 / 17 / 2013**

*** * * * ***

To: LRB – Legal Section PA’s

Subject: *Fiscal Estimate Received For An Un-introduced Draft*

> **If re-drafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file “guts” ... after the draft’s old version (the version that this fiscal estimate was based on), and just before re-draft of the updated version.

> **If introduced** ... please make sure the attached fiscal estimate is for the **current version** ... write the draft’s new introduction number below and give this packet to Mike (or Lori) to re-process the fiscal estimate (w/intro. number included).

THIS DRAFT WAS INTRODUCED AS: 2013 AB-921

Parisi, Lori

From: Parisi, Lori
Sent: Wednesday, July 17, 2013 11:25 AM
To: Rep.Berceau
Subject: LRB 13-1451/2 (un-introduced) (FE by DHS attached for your review) (Subject: training in traumatic brain injuries)
Attachments: FE_1451_DHS.PDF