



## 1995 ASSEMBLY BILL 746

December 19, 1995 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Government Operations.

1 AN ACT *to amend* 15.315 (1); and *to create* 15.227 (25), 101.02 (15) (bn), 101.133,  
2 166.20 (2) (g) and 166.20 (2m) of the statutes; **relating to:** creating a state fire  
3 programs interagency coordinating council and altering the membership and  
4 duties of the state emergency response board.

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### *Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTES provided by the joint legislative council in the bill.

For further information see the *state* 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:***

PREFATORY NOTE: This bill was developed by the joint legislative council's special committee on state fire programs.

#### *State Fire Programs Interagency Coordinating Council*

Six state agencies currently administer state programs affecting local fire service organizations throughout the state: departments of industry, labor and human relations (DILHR), health and social services (DHSS), natural resources (DNR), transportation (DOT), military affairs (DMA) and justice (DOJ). In addition, Wisconsin's technical college system (WTCS), along with DILHR, are responsible for administering training programs relating to fire fighting and fire safety.

At present, there is no mechanism for state oversight of these agencies to coordinate their activities or to avoid or eliminate program overlaps or duplication of effort. Additionally, no agency has been designated or established to serve as a clearinghouse to take calls and answer inquiries in order to direct local fire departments to the various state agencies that administer programs affecting the fire service.

This bill addresses these deficiencies in the current state fire programs system by the creation of a state fire programs interagency coordinating council, attached to DILHR for administrative purposes.

Membership of the council consists of 11 nonvoting members: one nonvoting member from each of the following state agencies, appointed by the head of the agency: DILHR, DHSS, DNR, DOT, DOJ, DMA and WTCS; and 2 nonvoting members from each house of the legislature, appointed so as to represent the majority and minority political parties in each house. The 7 voting public members of the council, appointed by the governor, consist of: a fire chief of a paid fire department; a fire chief of a volunteer fire department; a fire chief of a ch. 213 fire department; a fire fighter from a paid fire department; a fire fighter from a volunteer fire department; a local fire inspector; and an emergency medical technician attached to a fire department.

Members of the council serve at the pleasure of the appointing authority. The council is required to elect its chairperson from among its members. Both DILHR and DMA's division of emergency government are required to designate one full-time employe to assist the council in the performance of its duties and to respond to inquiries from the public concerning state responsibilities affecting local fire services.

Duties of the council consist of reviewing the operations and activities of all state agency programs affecting local fire departments in order to ensure the provision of adequate, efficient, coordinated and nonduplicative services. The review must specifically include an evaluation of state agency:

1. Training programs to determine the reasonableness of the hours of training required, availability of training and need for consolidation to avoid duplication;
2. Administrative districts to determine the appropriateness and feasibility of establishing uniform districts; and
3. Advisory councils to determine their effectiveness and necessity.

The council is also required to review the administrative rules of state agencies that affect local fire services and make necessary recommendations for revisions to the appropriate state agency. Additionally, the council is required to make recommendations, in bill draft form, regarding necessary changes in state law.

The existence of the council terminates on June 30 of the first complete fiscal year commencing after the effective date of the bill (the effective date is the day after its assigned publication date, following passage by the legislature and signing into law by the governor). On or before the sunset date, the council is required to prepare a final report that summarizes its recommendations and the operations and activities of the council, including any cost savings and improvements in the delivery of state services affecting local fire departments.

#### State Emergency Response Board Membership and Duties

The state emergency response board (SERB) was created by 1987 Wisconsin Act 342 and given the responsibility of administering that act, as well as Title III of the 1986 federal superfund amendments and reauthorization act, both of which pertain to hazardous chemical substances.

The bill increases the membership of SERB to include a representative of DILHR. SERB membership currently includes representation from the fire services. DILHR's responsibilities regarding fire services, regulation of hazardous materials and enforcement of training and safety standards for emergency responders is the rationale for DILHR representation on SERB.

Additionally, the bill expands the list of specific statutory duties of SERB to include reviewing and making recommendations regarding programs and activities of state agencies relating to hazardous materials spills and releases, in order to ensure the provision of adequate, efficient, coordinated and nonduplicative emergency responses thereto.

1           15.227 **(25)** STATE FIRE PROGRAMS INTERAGENCY COORDINATING COUNCIL. (a)

2           *Creation.* There is created a state fire programs interagency coordinating council,  
3           attached to the department of industry, labor and human relations under s. 15.03.

4           (b) *Membership.* The state fire programs interagency coordinating council  
5           shall consist of the following:

6           1. One nonvoting member from each of the following departments, appointed  
7           by the head of the department:

8           a. Industry, labor and human relations.

9           b. Health and social services.

10          c. Natural resources.

11          d. Transportation.

12          e. Justice.

13          f. Military affairs.

14          2. One nonvoting member from the technical college system board, appointed  
15          by the president of the board.

16          3. Two nonvoting members from each house of the legislature, appointed as  
17          follows:

18          a. One representative to the assembly, appointed by the speaker of the  
19          assembly.

20          b. One representative to the assembly, appointed by the minority leader of the  
21          assembly.

22          c. One senator, appointed by the president of the senate.

23          d. One senator, appointed by the minority leader of the senate.

24          4. The following voting public members, appointed by the governor:

25          a. A fire chief of a paid fire department.

1 b. A fire chief of a volunteer fire department.

2 c. A fire chief of a ch. 213 fire department.

3 d. A fire fighter from a paid fire department.

4 e. A fire fighter from a volunteer fire department.

5 f. A local fire inspector.

6 g. An emergency medical technician attached to a fire department.

7 (c) *Terms.* Members shall serve at the pleasure of the appointing authority.

8 (d) *Quorum.* A majority of the voting members shall constitute a quorum.

9 (e) *Sunset.* This subsection does not apply after June 30 of the first fiscal year  
10 commencing after the effective date of this paragraph ... [revisor inserts date].

11 **SECTION 2.** 15.315 (1) of the statutes is amended to read:

12 15.315 (1) STATE EMERGENCY RESPONSE BOARD. There is created a state  
13 emergency response board, which is attached to the department of military affairs  
14 under s. 15.03. The state emergency response board shall consist of one  
15 representative of the department of military affairs, division of emergency  
16 government, one representative of the subunit of the department of health and social  
17 services that administers health-related programs, one representative of the  
18 department of transportation, one representative of the department of natural  
19 resources, one representative of the department of agriculture, trade and consumer  
20 protection, one representative of the department of industry, labor and human  
21 relations, one representative each from fire fighting, law enforcement and public or  
22 community health services, 2 representatives of industry, one representative of  
23 small business, as defined in s. 15.227 (3), 2. representatives who are elected officials  
24 or employes of county and municipal government, one representative of a farm or  
25 agricultural organization, one representative of a labor organization and one

1 representative of an environmental organization. The members of the board shall  
2 serve at the pleasure of the governor.

3 **SECTION 3.** 101.02 (15) (bn) of the statutes is created to read:

4 101.02 (15) (bn) The department shall designate one full-time employe to  
5 assist the state fire programs interagency coordinating council in the performance  
6 of the council's functions under s. 101.133 and to respond to inquiries from the public  
7 concerning state agency responsibilities and duties affecting local fire services. This  
8 paragraph does not apply after June 30 of the first fiscal year commencing after the  
9 effective date of this paragraph .... [revisor inserts date].

10 **SECTION 4.** 101.133 of the statutes is created to read:

11 **101.133 State fire programs interagency coordinating council. (1)**  
12 **DUTIES.** The state fire programs interagency coordinating council shall do all of the  
13 following:

14 (a) Review the operations and activities of all state agency programs affecting  
15 local fire departments to ensure the provision of adequate, efficient, coordinated,  
16 nonduplicative services. The review shall include an evaluation of all of the  
17 following:

18 1. State agency training programs to determine the reasonableness of the  
19 hours of training required, availability of training and need for consolidation of  
20 training programs to avoid duplication.

21 2. Administrative districts affecting local fire services to determine the  
22 appropriateness and feasibility of establishing uniform administrative districts.

23 3. Advisory councils with responsibilities relating to state agency programs  
24 affecting local fire departments to determine their effectiveness and necessity.

1 (b) Examine the administrative rules of state agencies that affect local fire  
2 services and make necessary recommendations for revisions to the appropriate state  
3 agency.

4 (c) Prepare in bill draft form recommended changes to state law for  
5 presentation to the governor and the legislature.

6 (d) By June 30 of the first fiscal year commencing after the effective date of this  
7 paragraph .... [revisor inserts date], prepare and submit to the head of each agency  
8 with membership on the council, to the governor, and to the chief clerk of each house  
9 of the legislature for distribution to the appropriate standing committees under s.  
10 13.172 (3), a report that summarizes its recommendations and the operations and  
11 activities of the council, including any cost savings and improvements in the delivery  
12 of state services affecting local fire departments that may occur as a result of the  
13 implementation of the council's recommendations.

14 (2) SUNSET. This section does not apply after June 30 of the first fiscal year  
15 commencing after the effective date of this subsection .... [revisor inserts date].

16 **SECTION 5.** 166.20 (2) (g) of the statutes is created to read:

17 166.20 (2) (g) Review the programs and activities of state agencies relating to  
18 hazardous materials spills and releases, and emergency responses thereto, to ensure  
19 the provision of adequate, efficient, coordinated, nonduplicative services, and make  
20 recommendations, as necessary, to affected state agencies, the governor and the  
21 legislature.

22 **SECTION 6.** 166.20 (2m) of the statutes is created to read:

23 166.20 (2m) DUTIES OF THE DEPARTMENT OF MILITARY AFFAIRS. The department  
24 of military affairs shall designate one full-time employe of the division of emergency  
25 government to assist the employe designated under s. 101.02 (15) (bn) in assisting

1 the state fire programs interagency coordinating council in the performance of the  
2 council's functions under s. 101.133 and responding to inquiries from the public  
3 concerning state agency responsibilities and duties affecting local fire services. This  
4 paragraph does not apply after June 30 of the first fiscal year commencing after the  
5 effective date of this subsection .... [revisor inserts date].

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**(END)**