

**1999 DRAFTING REQUEST**

**Bill**

Received: 12/16/1998

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Gwendolynne Moore (608)266-5810

By/Representing: Leanne Bergstrom

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Military Affairs

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Emergency management and disaster relief fund

**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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FE Sent For: **08/25/1999.**

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*4/22 Moore's office called -  
OK to create 11*

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See Attached

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See Attached

*2/27 Met with Pranic & Leibner  
AL? & another DMA-DEM staff member  
about what they want. Rewrites of 166.01-03  
plus appropriations. No "Fund" required*

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**LEGISLATIVE REFERENCE BUREAU**

Legal Section, 5<sup>th</sup> Floor, 100 N. Hamilton St.  
(608) 266-3561

**BILL REQUEST FORM**

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.  
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>December 15, 1998</i>	Legislator or agency requesting this draft: <i>Senator Owen Moore</i>
Name/phone number of person submitting request: <i>Leanne Bergstrom 266-5810</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>Wisconsin Emergency Management Dept of Military Affairs Diane Claybor 242-3232 Jack Burbank 414-782-1515</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem?  <i>Please see attached model legislation - Both as a bill and an amendment for Budget bill.</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

**Requests are confidential unless stated otherwise.**

May we tell others that we are working on this for you?  YES  NO

If yes, anyone who asks?  YES  NO

Any legislator?  YES  NO  ONLY the following persons:

Do you consider this urgent?  YES  NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES  NO If yes, please sign your name here:



# EMERGENCY MANAGEMENT AND DISASTER ASSISTANCE TRUST FUND

## OVERVIEW

This proposal has two purposes. The first is to establish a stable and adequate funding source for State and county emergency management programs to enable them to fulfill their statutory mandates. Program funding sources are now uncertain, at best, and are not keeping pace with expanded program responsibilities. The second is to create a disaster contingency fund for situations which do not qualify for federal disaster assistance. The fund would provide assistance to both individuals and affected local governments. On the average, three to five non-federally declared disasters occur each year in the State.

To meet these purposes, this proposal creates the Emergency Management and Disaster Assistance Trust Fund to be administered by Wisconsin Emergency Management (WEM) within the Department of Military Affairs. Revenue for the fund will be generated by imposing an annual fee of \$4.00 on the insurance policies of all homeowners, condominium owners, and tenants, and an annual \$6.00 fee on every commercial fire, multi-peril and business owners policy. A \$1.00 fee would also be imposed on each automobile policy. The fees will be paid by the policy holder to the insurer. The insurer will be responsible for collecting the fees and remitting them to the Wisconsin Department of Revenue (DOR).

Wisconsin Emergency Management will allocate and distribute the funds as follows:

<b>State Emergency Management Program</b>	<b>25%</b>	<b>2,800,000</b>
<b>County Emergency Management Programs</b>	<b>25%</b>	<b>2,800,000</b>
<b>Communications and Warning System Development and Maintenance</b>	<b>10%</b>	<b>1,125,000</b>
<b>State Declared (non-federal) Disasters</b>	<b>35%</b>	<b>3,920,000</b>
<b>Collection and Administration by DOR</b>	<b>5%</b>	<b>560,000</b>
<b>TOTAL</b>	<b>100%</b>	<b>11,200,000</b>

This formula will ensure that state and county programs will be able to maintain minimum, but adequate capabilities in all four phases of emergency management: mitigation, preparedness, response and recovery. Moreover it will fund an essential part of the emergency management program, the statewide communications and warning network, which provides warnings and protective action information to the public and communications systems between and among agencies at the county and state levels. It will also provide a much needed state disaster fund for those disasters or emergencies which do not qualify for federal disaster declarations by the President or the Small Business Administration.

In order to receive funds, WEM would have certain basic requirements of the counties. These are stipulated in the attached proposal and are designed to ensure that funds are shared as equitably as possible, based on population, and that certain basic emergency management capabilities are achieved and maintained in each and every county. Counties would be required to provide matching funds to a base grant and would be reimbursed based on actual expenditures.

## **BACKGROUND**

### ***DAY-to-DAY OPERATIONS***

The statewide emergency management program is at a critical juncture. The scope of the program is increasing, while federal support, both of state and local programs, is decreasing. This is true not only of day-to-day program activities and funding, but also of disaster assistance programs made available in federally declared disasters. In fact, the Federal Emergency Management Agency (FEMA) has advised the State to expect 5% cutbacks each year for the next five years. Together with the Federal funding, program revenue sources have essentially carried the State and county programs over the last few years, and now those sources are also dwindling.

The emergency management program has evolved dramatically in the last thirty years. What started out as a civil defense planning effort in response to the Cold War threat has grown into a program which encompasses both pre-and post-disaster activities for natural and technological hazards. It involves all levels of government and interaction with numerous disciplines within those levels, i.e., law enforcement, fire, public works, human services, mental health, public health, emergency medical services, planning and zoning, and private and volunteer agencies, to name a few.

A common notion about the State and local emergency management programs is that their only function is to respond to disasters. In fact, nothing could be further from the truth. Staffs at both levels implement rigorous planning, training, and exercising programs on a day-to-day basis, all aimed at ensuring effective response to disasters, whether they be natural or technological. None of the 45 staff members of Wisconsin Emergency Management is employed exclusively for disaster operations, i.e., no one is sitting around waiting for a disaster to occur. When in an operational mode, WEM staff are reassigned from their normal duties to carry out disaster responsibilities. Normal work responsibilities are placed on the back burner and, if possible, rescheduled.

In a disaster situation, WEM staffing resources are stretched to the maximum, especially in a Presidentially declared disaster when WEM must staff key positions at the federal/state Disaster Field Office. These include the State Coordinating Officer and Deputy; Human Services, Public Assistance and Hazard Mitigation Officers; Grant Coordinating Officer; Public Information Officer; Congressional Liaison; and Community Affairs Coordinator. Once these positions are filled, few staff remain available for regular duty. This is particularly problematic if a second disaster occurs and WEM is

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required to respond to two incidents simultaneously. Certain staff are then called on to do double and triple duty.

At the local level, each of Wisconsin's 72 counties has an emergency management director, who in many cases staffs a one-person office on a part-time basis. Most directors have a variety of other duties, in addition to emergency management, which may include being a 911 coordinator or safety officer, the veteran's service officer or EMS coordinator. WEM passes federal monies from FEMA through to 70 of the counties. The county must contribute a 50% match to the federal dollars. Each county is also able, on an annual basis, to apply for an EPCRA grant. These grant funds are generated from fees charged to those who store, manufacture or use hazardous materials. The federal funds, together with the EPCRA grants, are the basic funding sources for the county emergency management programs.

To keep pace with the increased scope of work, WEM has adopted an all-hazards functional approach to emergency management. This approach allows WEM and the State of Wisconsin to make maximum use of financial and staffing resources while providing enough flexibility to increase program efficiency. Even with the adoption of this approach, present funding of state and local programs is inadequate and eventually, if additional funding is not procured, the programs will not be able to fulfill their statutory mandate of protecting life and property.

The all-hazards approach is based on the premise that certain functions are common to any disaster operation and that these are the capabilities which must be developed and maintained at the local and state levels. Among these functions are direction and control, communications and warning, search and rescue, evacuation and sheltering, public information, and damage assessment. WEM's planning, training and exercising programs focus on these functions so that if a tornado, flood, civil disturbance, hazardous materials accident, or radiological incident occurs, emergency response and recovery operations can be timely and effective.

Of all these functions, the communications and warning functions require not only planning, training and exercising, but also equipment acquisition and maintenance. Some of the systems are federally funded or subsidized, e.g., the National Warning System which is the means by which severe weather watches and warnings are broadcast. The federal government is beginning to cut back on this subsidy and expects the State and counties to pick up the slack. Likewise, many of the existing radio and two-way communications systems are antiquated and in dire need of replacement. These systems ensure that inter- and intra-agency communications are possible at the State and local levels. Through WICORTS, WEM is now working to establish an effective and efficient statewide system.

As indicated earlier, the scope of the emergency management program is increasing and constantly changing. For example, new initiatives in recent years include an emphasis on terrorism and hazard mitigation. Domestic terrorism is seen as a contingency that must be included in emergency management planning, training and exercising. It involves working with an expanded network of law enforcement, fire, and emergency

medical personnel to ensure capabilities are in place to manage the consequences of a terrorism incident. Mitigation, along with preparedness, response, and recovery, comprise the cycle of emergency management. Over the years, efforts have focused on doing a good job of preparing for and responding to disasters. Now, there is an increasing emphasis on being proactive and on taking actions before a disaster occurs to minimize or eliminate damage or loss to people and property and thus hold down the cost of state and federal disaster relief. Mitigation involves working with people outside of the traditional first responder community, such as planning, zoning and community development personnel.

To keep pace with all of these changes, the WEM training program has also had to expand. The traditional audience of county emergency management directors has broadened to include, among others, law enforcement, fire, and emergency medical personnel from the state and local levels. In short, more courses are being offered to more people at more locations in order to keep up with the increased demand.

## **DISASTER OPERATIONS AND DECLARATIONS**

The State of Wisconsin is most vulnerable to floods, windstorms, and tornadoes. When a disaster occurs, the primary response is handled by the affected local unit of government. If the incident is beyond local capabilities, then mutual aid support is requested from neighboring jurisdictions and/or the county. If still additional resources, i.e., personnel and equipment are needed, then WEM becomes involved in coordinating the efforts of the various state agencies in supplementing county and local resources. WEM estimates that three to five such incidents occur each year. Recent occurrences of this type include the Cooperstown and Sauk County tornadoes in 1994, the flooding in Milwaukee and Racine counties in 1995, and the 1997 Spring flooding along the Mississippi River.

When a situation is beyond the capabilities of the local/county government and the State, then the Governor requests a Presidential Disaster Declaration. The State has received nine such declarations since 1990 and 26 since 1965. This averages out to one federal disaster declaration every fifteen months. The last such declaration was received on July 7, 1997 for flooding which impacted Milwaukee, Ozaukee, Washington and Waukesha Counties.

There are no definite eligibility criteria, i.e., specific thresholds of damage, in order for a county to qualify; therefore, what may or may not qualify for federal disaster assistance is not well defined. The federal regulations merely stipulate that State and local capabilities must be exhausted and there must be a need for supplementary federal assistance.

We do know that federal disaster assistance is becoming more and more difficult to receive. Congress is closely scrutinizing the Federal Emergency Management Agency (FEMA) because of the extraordinary number of declarations made in the last decade and the billions of dollars paid out in disaster relief. States are being encouraged to establish

their own disaster contingency funds and become more self-reliant when it comes to disaster relief, for all but catastrophic incidents. To illustrate, the State has twice, in the last three years, been denied Presidential Disaster Declarations; for the 1995 Big Flats/Augusta tornadoes and for the 1996 floods which impacted 15 counties, particularly Dane and Ozaukee.

Since Wisconsin does not have disasters of catastrophic proportion, such as widespread earthquakes or hurricanes, the State can anticipate that fewer and fewer of its disasters will qualify for federal disaster assistance. There must be some mechanism, therefore, to provide assistance to those individuals who have uninsured losses and to local governments that cannot take on additional nonbudgeted expenditures.

## **FISCAL ANALYSIS**

Wisconsin Emergency Management is now minimally staffed with 45 FTEs. To effect savings in the last five years, the agency has had to eliminate the West Regional Office and its full time director and half-time program assistant. This position also functioned as the fire services specialist, coordinating with local fire departments and districts and with state agencies who have fire-related responsibilities. Further staff cuts would seriously impair WEM's ability to carry out its statutory mandates.

Listed below are the primary funding sources for WEM and a statement of the status of that funding.

- REP - These are Program revenues received from the State's nuclear power plants to develop off-site plans for a potential incident at one of the plants. This revenue source is being closely scrutinized as the utilities look for ways to hold down costs. Also, the plants are in need of expensive mechanical upgrades if they want to qualify for continued licensure by the Nuclear Regulatory Commission. There is much speculation that the plants will elect not to make the upgrades and will rather close down. This, obviously, will impact the amount of funding WEM will receive from the utilities.
- EPCRA - As alluded to previously, these funds are generated by charging a fee to those who store, manufacture, or use hazardous materials. The fee consists of a one-time planning charge and an annual reporting fee. Since inception of the law, WEM knew the fund would eventually plateau and then decline as the one-time fees are paid and companies make provisions to store the chemicals in quantities less than those which are reportable. EPCRA funding is also made available via grants to the counties and has become an integral part of their program funding. Predictions are now that the fund will be negligible by the year 2,000.
- Federal Funding - This basically consists of EMA (Emergency Management Assistance), OA (Other Assistance), and SHMP (State Hazard Mitigation Planning). As indicated earlier, FEMA has cautioned the States to expect 5% cuts each year for the next five from EMA sources. EMA is the funding which is passed on to the

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county emergency management offices and thus the effect of these cutbacks will be felt at the county level also. In terms of OA, it is now a 100% federally funded source which will be going to a 75- 25 or 50-50 federal-state match. The same is true of SHMP. Not only will less federal money be coming in, but WEM will also have to find the match for OA and SHMP.

- WEM's GPR budget essentially presently consists of the match for the federal funds. REP and EPCRA funds are also used to provide the required match for some of the federal dollars. Because we anticipate, as indicated above, that these funds will decrease, they will not be available for matching purposes. If additional GPR is not obtainable for the match, then WEM will also have to give up the federal dollars.

**This illustrates the instability and uncertainty of emergency management program funding at both the state and county levels. If this uncertainty is not addressed soon, programs at both levels will be seriously jeopardized.**

Section 166.10-12, Wisconsin Statutes, is amended to read:

Emergency management powers of political subdivisions.--

(1) Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.--

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of Ss. \_\_\_\_\_, each county within this state shall be within the jurisdiction of, and served by, the division. Except as otherwise provided in Ss. \_\_\_\_\_ each County emergency management agency shall have jurisdiction over and serve an entire county.

(b) Each county emergency management agency created and established pursuant to Ss. \_\_\_\_\_ shall have a coordinator who shall be appointed and have his or her annual salary fixed by the county in accordance with established procedures. The director must meet the minimum qualifications as established by the county, and approved by the Division of Emergency Management. The directors appointment shall be approved by the county board of supervisors in compliance with applicable resolutions, ordinances, and laws. The County shall promptly inform the division of the appointment of the coordinator.

Each coordinator has direct responsibility for the organization, administration, and operation of the county emergency management agency, subject to the direction and control of the designated governing body of the county. The director shall coordinate emergency management activities, services, and programs within the county and shall serve as liaison to the division and other local emergency management agencies and organizations.

Counties shall serve as liaison for and coordinator of municipalities' requests for state and federal assistance during post disaster emergency operations.

(c) County emergency management agencies may charge and collect fees for the review of emergency management plans on behalf of external agencies and institutions. Fees must be reasonable and may not exceed the cost of providing a review of emergency management plans.

(2) MUNICIPALITIES.--Legally constituted municipalities are authorized and encouraged to create municipal emergency management programs. Municipal emergency management programs shall coordinate their activities with those of the county emergency management agency. Municipalities without emergency management programs shall be served by their respective county emergency management agency. If a municipality elects to establish an emergency management program, it must comply with all laws, rules, and requirements applicable to county emergency management agencies. Each municipal emergency management plan must be consistent with and subject to the applicable county emergency management plan. In addition, each municipality must coordinate requests for state or federal emergency response assistance with its county.

This requirement does not apply to requests for reimbursement under federal public disaster assistance programs.

### (3) EMERGENCY MANAGEMENT POWERS: POLITICAL SUBDIVISIONS.--

(a) In carrying out the provisions of Ss. \_\_\_\_\_ each political subdivision shall have the power and authority:

(1) To appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the state emergency management agency.

(2) To request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one political subdivision. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:



**(a) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.**

**(b) Entering into contracts.**

**(c) Incurring obligations**

**(d) Employment of permanent and temporary workers.**

**(e) Utilization of volunteer workers.**

**(f) Rental of equipment**

**(g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.**

**(h) Appropriation and expenditure of public funds.**

**(i) Open meetings.**

Draft #5 - Wisconsin Plan

A bill to be entitled An act relating to disaster and emergency management; creating the Emergency Management and Disaster Assistance Trust Fund: providing for an annual fee on homeowner's and commercial insurance policies to fund emergency management, and disaster assistance: providing for distribution of moneys appropriated from the Emergency Management and Disaster Assistance Trust Fund: amending State Statue \_\_\_\_\_, authorizing the Office of the Commissioner of Insurance to share information with the Department of Revenue: amending \_\_\_\_\_, revising legislative intent; providing an appropriation; and providing an effective date.

Be It Enacted by the Legislature of the State of Wisconsin:

Section 1. There is created the Emergency Management and Disaster Assistance Trust Fund to be administered by the Division of Emergency Management, Department of Military Affairs.

Section 2. In order to provide funds for emergency management, and disaster assistance, an annual fee of \$4.00 per policy shall be imposed on every homeowner's, mobile homeowner's, tenant homeowner's, and condominium unit owner's policy, an annual \$6.00 fee shall be imposed on every commercial fire, commercial multiple peril, and business owner's property insurance policy, and an annual fee of \$1.00 for automobile insurance policy issued or renewed on or after July 1, 1998. The fee shall be paid by the policyholder to the insurer. The insurer shall collect the fee and remit it to the Department of Revenue, which shall collect, administer, audit, and enforce the fee pursuant to section \_\_\_\_\_, Wisconsin Statutes. The fee is not to be considered premiums of the insurer: however, nonpayment of the fee by the insured may be a valid reason for cancellation of the policy. All proceeds of the fee shall be deposited in the Emergency Management and Disaster Assistance Trust. *Fund*

Section 3. (1) Funds appropriated from the Emergency Management and Disaster Assistance Trust Fund shall be allocated by the Division of Emergency Management as follows:

- (a) Thirty-five (35) percent to provide for state relief assistance for non-federally declared disasters.
- (b) Twenty-five (25) percent to implement and administer County Emergency Management programs.
- (c) Ten (10) percent for development and maintenance of a statewide warning and communications capability.
- (d) Twenty-five (25) percent to implement and administer the state emergency management program.

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up to \$40  
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729 to COI Give  
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- e) Five (5) percent for collection and administration of expenses incurred by the Departments of Revenue and the Insurance Commissioners Office.

Any surplus or unexpended funds realized as the result of allocations b through e, shall automatically revert to A in a non-lapsing account.

(2) The Division of Emergency Management shall allocate funds from the Emergency Management, and Disaster Assistance Trust Fund to County Emergency Management agencies and programs pursuant to criteria specified by rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a County emergency management agency either:

1. In Counties with a population in excess of 30,000 there must be an emergency management coordinator who works at least 40 hours a week exclusively in Emergency Management: or

2. If the county has fewer than 30,000 population the County must have an emergency management coordinator who works at least 20 hours a week exclusively in that capacity. This provision shall not be construed to preclude a county of fewer than 30,000 from employing a full time emergency management director.

(b) Establishes a maximum base grant allocation of \$35,000 for a full time emergency management coordinator who works 40 hours per week, and a maximum of \$20,000 as a base grant for a half-time emergency management coordinator, who works no less than 20 hours per week. Both a full or part-time coordinator must work exclusively in emergency management.

(c) In no case shall grant payments exceed actual expenditures of the County.

(d) Base grants shall be matched by the County at an amount either equal to the average of the previous three years of County general revenue funding of the County Emergency Management agency or the level of funding for the County Emergency Management agency for the last fiscal year, which ever figure is lower.

What  
100-11

Draft #5 - Wisconsin Plan

A bill to be entitled An act relating to disaster and emergency management; creating the Emergency Management and Disaster Assistance Trust Fund: providing for an annual fee on homeowner's and commercial insurance policies to fund emergency management, and disaster assistance: providing for distribution of moneys appropriated from the Emergency Management and Disaster Assistance Trust Fund: amending State Statute \_\_\_\_\_, authorizing the Office of the Commissioner of Insurance to share information with the Department of Revenue: amending \_\_\_\_\_, revising legislative intent; providing an appropriation; and providing an effective date.

Be It Enacted by the Legislature of the State of Wisconsin:

Section 1. There is created the Emergency Management and Disaster Assistance Trust Fund to be administered by the Division of Emergency Management, Department of Military Affairs.

Property Ins.  
Auto (125)

Section 2. In order to provide funds for emergency management, and disaster assistance, an annual fee of \$4.00 per policy shall be imposed on every homeowner's, mobile homeowner's, tenant homeowner's, and condominium unit owner's policy, an annual \$6.00 fee shall be imposed on every commercial fire, commercial multiple peril, and business owner's property insurance policy, and an annual fee of \$1.00 for automobile insurance policy issued or renewed on or after July 1, 1998. The fee shall be paid by the policyholder to the insurer. The insurer shall collect the fee and remit it to the Department of Revenue, which shall collect, administer, audit, and enforce the fee pursuant to section \_\_\_\_\_, Wisconsin Statutes. The fee is not to be considered premiums of the insurer: however, nonpayment of the fee by the insured may be a valid reason for cancellation of the policy. All proceeds of the fee shall be deposited in the Emergency Management and Disaster Assistance Trust.

PJK

Section 3. (1) Funds appropriated from the Emergency Management and Disaster Assistance Trust Fund shall be allocated by the Division of Emergency Management as follows:

- (a) Thirty-five (35) percent to provide for state relief assistance for non-federally declared disasters.
- (b) Twenty-five (25) percent to implement and administer County Emergency Management programs.
- (c) Ten (10) percent for development and maintenance of a statewide warning and communications capability.
- (d) Twenty-five (25) percent to implement and administer the state emergency management program.

- e) Five (5) percent for collection and administration of expenses incurred by the Departments of Revenue and the Insurance Commissioners Office.

Any surplus or unexpended funds realized as the result of allocations b through e, shall automatically revert to A in a non-lapsing account.

(2) The Division of Emergency Management shall allocate funds from the Emergency Management, and Disaster Assistance Trust Fund to County Emergency Management agencies and programs pursuant to criteria specified by rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a County emergency management agency either:

1. In Counties with a population in excess of 30,000 there must be an emergency management coordinator who works at least 40 hours a week exclusively in Emergency Management: or

2. If the county has fewer than 30,000 population the County must have an emergency management coordinator who works at least 20 hours a week exclusively in that capacity. This provision shall not be construed to preclude a county of fewer than 30,000 from employing a full time emergency management director.

(b) Establishes a maximum base grant allocation of \$35,000 for a full time emergency management coordinator who works 40 hours per week, and a maximum of \$20,000 as a base grant for a half-time emergency management coordinator, who works no less than 20 hours per week. Both a full or part-time coordinator must work exclusively in emergency management.

(c) In no case shall grant payments exceed actual expenditures of the County.

(d) Base grants shall be matched by the County at an amount either equal to the average of the previous three years of County general revenue funding of the County Emergency Management agency or the level of funding for the County Emergency Management agency for the last fiscal year, which ever figure is lower.

(e) County general revenue funding for 911, EMS, law enforcement, criminal justice, public works, or other services outside the emergency management responsibilities assigned to the county emergency management agency shall not be included in determining the "level of county funding of the County Emergency Management agency".

Section 4. Subsection \_\_\_\_ of section \_\_\_\_\_, Wisconsin Statutes, is amended to read:

\_\_\_\_\_ Administration of fees; payments, - -

(1) The Department of Revenue shall administer, audit, and enforce the assessment and collection of those fees to which this section is applicable. The Office of the Commissioner of Insurance is authorized to share information with the Department of Revenue as necessary to verify the premium fee payment.

**CORRESPONDENCE/MEMORANDUM  
WISCONSIN EMERGENCY MANAGEMENT**

**DATE:** March 9, 1999

**TO:** Robert P. Nelson, Legislative Reference Bureau

**FROM:** Diane Kleiboer, Wisconsin Emergency Management *Diane Kleiboer*

**SUBJECT: EMERGENCY MANAGEMENT AND DISASTER ASSISTANCE  
APPROPRIATION - SUGGESTED CHANGES/ADDITIONS TO  
THE NEW LEGISLATION AND TO CHAPTER 166**

As discussed at our February 26 meeting following are our suggested changes to the draft of the new legislation or to Chapter 166.

On page 1 of the new legislation we have added the following to Section 3.

Section 3. (1) Funds from the Emergency Management and Disaster Assistance appropriation shall be allocated by the Division of Emergency Management as follows:

- (a) Thirty-five (35) percent to provide for state relief assistance for non-federally declared disasters. This includes instances where federal disaster assistance is requested and denied. Such relief would consist of grants to counties for the purpose of assisting individuals whose essential property losses are not covered by insurance and county/local agencies that have incurred costs or have damaged public facilities.
- (b) Twenty-five (25) percent to implement and administer County Emergency Management Programs. Funds may be used for all-hazards emergency management planning, training and exercising to enhance county/local emergency management capabilities. Funds may further be used for necessary positions that are directly responsible for these emergency management functions and to pay associated administrative costs.
- (c) Ten (10) percent for development and maintenance of a statewide warning and communications capability. This may include acquisition at the state level of telecommunications and other equipment that would enable communication within and among the levels of government, i.e., county/local, state and federal and that would allow for the timely warning of the population in the event of an impending or actual disaster.
- (d) Twenty-five (25) percent to implement and administer the State Emergency Management Program. Funds may be used to carry out all-hazards emergency management planning, training and exercising to enhance state capabilities in support

of county/local emergency management. Funds may further be used for necessary positions that are directly responsible for these emergency management functions and to pay associated administrative costs.

- (e) Up to 1% to the Wisconsin Office of the Commissioner of Insurance for administrative expenses, up to 1% to the insurance companies for administrative expenses, and up to 3% to the Department of Revenue for collection and administrative expenses.

On page 3 of the new legislation, add Section 3. (2) (f) which should read as follows.

- (f) A "disaster" means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a County, the Governor, or the President of the United States. Disasters shall be identified by the severity of resulting damage as follows:

County  
 EXEC or ?  
 2-1985  
 put  
 later

1. "Catastrophic disaster" means a disaster that will require massive state and federal assistance, including immediate military involvement.
2. "Major disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance.
3. "Minor disaster" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance.

Under 166.02 (4) in the definitions, delete the present emergency management definition and replace it with the following.

- (4) "Emergency Management" means the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to:
  - (a) Reduction of the vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies, catastrophes or hostile military or paramilitary action.
  - (b) Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies, rescue, care and treatment of persons victimized or threatened by disasters.
  - (c) Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency.



- (d) Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.
- (e) Provision of an emergency management system embodying all aspects of preparedness, response, recovery and mitigation.
- (f) Assistance in recognition, appraisal, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of public and private facilities and land use.

We discussed further changes to Chapter 166 and decided to take your advice and leave the rest unchanged. Please contact me at 608-242-3200 if you would like further information or clarification.





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1320/P1  
RPN & PJK:.....

*P-Note*

*JH cmh*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 *sen cat* AN ACT ...; relating to: responding to disasters, granting rule-making authority ✓  
2 and making an appropriation. ✓

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version.  
For further information see the *state and local* 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:***

3 SECTION 1. 20.465 (3) (h) of the statutes is created to read:  
4 20.465 (3) (h) *Emergency management and disaster assistance*. All moneys  
5 received by the state treasurer from the collection of emergency management fees ✓  
6 under s. 610.30 (1) for state, county and local emergency management and disaster  
7 assistance. The secretary of administration shall annually transfer 35% of all  
8 moneys credited to this appropriation to the appropriation account under ~~s. 20.465~~

9 *par.* (hc), 25% of all moneys credited to this appropriation to the appropriation account

SECTION 1

1) under ~~§ 20.465(1)(b)~~<sup>par.</sup> (he), 10% of all moneys credited to this appropriation to the  
 2) appropriation account under ~~§ 20.465(1)(c)~~<sup>par.</sup> (hg), 25% of all moneys credited to this  
 3) appropriation to the appropriation account under ~~§ 20.465(1)(d)~~<sup>par.</sup> (hi) and 5% of all  
 4) moneys credited to this appropriation to the appropriation account under ~~§ 20.465~~  
 5) ~~§ 20.465(1)(e)~~<sup>par.</sup> (hk).

SECTION 2. 20.465 (3) (hc) of the statutes is created to read:

7) 20.465 (3) (hc) *Emergency management; non-federally declared disasters*. All  
 8) moneys transferred from ~~§ 20.465(1)(b)~~<sup>par.</sup> (h) for grants to counties under s. 166.23, if  
 9) federal disaster relief is not available, to assist individuals and local governments  
 10) whose losses are not covered by insurance. All moneys transferred from ~~§ 20.465(1)(c)~~<sup>par.</sup>  
 11) (h) shall be credited to this appropriation, except that the unencumbered balance on  
 12) June 30 of each year shall revert to the appropriation account under ~~§ 20.465(1)(d)~~<sup>par.</sup> (h).

SECTION 3. 20.465 (3) (he) of the statutes is created to read:

14) 20.465 (3) (he) *Emergency management; county emergency management*. All  
 15) moneys transferred from ~~§ 20.465(1)(b)~~<sup>par.</sup> (h) for all ~~hazard~~ county and local emergency  
 16) management planning, training and exercises to enhance county and local  
 17) emergency management capabilities. All moneys transferred from ~~§ 20.465(1)(c)~~<sup>par.</sup> (h)  
 18) shall be credited to this appropriation, except that the unencumbered balance on  
 19) June 30 of each year shall revert to the appropriation account under ~~§ 20.465(1)(d)~~<sup>par.</sup> (h).

SECTION 4. 20.465 (3) (hg) of the statutes is created to read:

21) 20.465 (3) (hg) *Emergency management; statewide warnings and*  
 22) *communications*. All moneys transferred from ~~§ 20.465(1)(b)~~<sup>par.</sup> (h) for the development  
 23) and maintenance of ~~§ 20.465(1)(c)~~<sup>par.</sup> statewide emergency warning and communications  
 24) capabilities. All moneys transferred from ~~§ 20.465(1)(d)~~<sup>par.</sup> (h) shall be credited to this

1 appropriation, except that the unencumbered balance on June 30 of each year shall  
2 revert to the appropriation account under ~~s. 20.465(2)~~<sup>par.</sup> (1).

3 SECTION 5. 20.465 (3) (hi) of the statutes is created to read:

4 20.465 (3) (hi) *Emergency management; state emergency programs.* All moneys  
5 transferred from ~~s. 20.465(3)~~<sup>par.</sup> (h) for state all-hazard emergency management  
6 planning, training and exercises related to state support of local emergency  
7 management. All moneys transferred from ~~s. 20.465(3)~~<sup>par.</sup> (h) shall be credited to this  
8 appropriation, except that the unencumbered balance on June 30 of each year shall  
9 revert to the appropriation account under ~~s. 20.465(3)~~<sup>par.</sup> (h).

10 SECTION 6. 20.465 (3) (hk) of the statutes is created to read:

11 20.465 (3) (hk) *Emergency management; collection of fees.* All moneys  
12 transferred from ~~s. 20.465(3)~~<sup>par.</sup> (h) for administrative expenses related to collection of  
13 emergency management fees under s. 610.30. All moneys transferred from ~~s. 20.465~~  
14 ~~(3)~~<sup>par.</sup> (h) shall be credited to this appropriation, except that the unencumbered balance  
15 on June 30 of each year shall revert to the appropriation account under ~~s. 20.465(3)~~<sup>par.</sup>

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

18 166.02 (2m) "Disaster" means any natural, man-made, technological or civil  
19 emergency that causes damage of sufficient severity and magnitude to result in a  
20 declaration of a state of emergency by the president of the United States, the  
21 governor or the county executive or, if the county does not have a county executive,  
22 by the chairperson of the county board.

\*\*\*\*NOTE: The proposed language included definitions of "catastrophic disaster",  
and "minor disaster". However, because those terms were never used in the proposal and  
are not used in chapter 166, I omitted them from the draft.

23 SECTION 8. 166.02 (4) of the statutes is repealed and recreated to read:

1           166.02 (4) “Emergency management” means the preparation for, mitigation of,  
2 response to and recovery from disasters. “Emergency management” includes all of  
3 the following:

4           (a) Reducing the vulnerability of people and communities of this state to  
5 damage, injury or loss of life or property resulting from disasters, catastrophes or  
6 hostile military or paramilitary action.

      \*\*\*\*NOTE: Is the term “catastrophe” necessary? Is that different from a “disaster”,  
which is defined in this draft to include natural and man-made emergencies?

7           (b) Preparing for the prompt and efficient response and recovery to protect lives  
8 and property affected by disasters.

9           (c) Rescuing, caring for and treating persons victimized or threatened by  
10 disasters.

11           (d) Responding to disasters using all systems, plans and resources necessary  
12 to preserve the health, safety and welfare of persons and property affected by the  
13 disaster.

14           (e) Recovering from disasters by providing for the rapid and orderly start of  
15 restoration and rehabilitation of persons and property affected by disasters.

16           (f) Providing an emergency management<sup>✓</sup> system that embodies all aspects of  
17 preparedness, response, recovery and mitigation.

18           (g) Assisting in the recognition, appraisal and mitigation of disasters that may  
19 be caused or aggravated by inadequate planning for, and regulation of, public and  
20 private facilities and land use.

      \*\*\*\*NOTE: Is par. (d) necessary, i.e. is that language covered by the other  
paragraphs, especially par. (f)? The submitted language used the terms “emergency”  
sometimes and “disaster” other times, and sometimes both terms. Based on the definition  
of “disaster” used in the draft, using the term “emergency” is redundant. I replaced  
“emergency” with “disaster” in these definitions, except in the definition of “disaster”.  
OK?

1           **SECTION 9.** 166.02 (6) of the statutes is created to read:

2           166.02 (6) "Major disaster" means a disaster that will likely exceed local  
3 capabilities to respond in an adequate, timely manner and may require a broad range  
4 of state and federal assistance.

      \*\*\*\*NOTE: I changed this definition slightly. Is what I did OK?

5           **SECTION 10.** 166.23 of the statutes is created to read:

6           **166.23 Supplemental payments for emergency management and**  
7 **disaster assistance.** (1) The division shall provide money to a county emergency  
8 management agency from the appropriation accounts under s. 20.465 (3) (hc) and  
9 (he) only if the county emergency management agency does the following:

10           (a) In counties with a population of 30,000 or more, employ<sup>g</sup> a person to work  
11 full-time, 40 hours per week, exclusively as the emergency management  
12 coordinator. That person would have no other duties for the county or the county  
13 emergency management agency.

14           (b) In counties with a population of less than 30,000, employ<sup>g</sup> a person to work  
15 exclusively as the emergency management coordinator for at least 20 hours per  
16 week.

17           (2) From the appropriation under s. 20.465 (3) (he), the division shall pay  
18 \$35,000 to a county that employs a person to work exclusively as an emergency  
19 management coordinator for 40 hours per week. From the appropriation under s.  
20 20.465 (3) (he), the division shall pay \$20,000 to a county that employs a person to  
21 work exclusively as an emergency management coordinator for at least 20 hours per  
22 week.

23           (3) A county receiving a payment under sub. (2) shall use that payment, plus  
24 an amount equal to the average of the county general revenue funding provided to

1 the county emergency management agency for the past three years or equal to the  
2 county general revenue funding provided to the county emergency management  
3 agency for the past fiscal year, whichever is lower, for the provision of county  
4 emergency management services. In this subsection, "funding provided to the  
5 county emergency management agency" does not include county moneys provided  
6 for the emergency telephone system under s. 146.70, emergency medical services  
7 under s. 146.55, law enforcement, criminal justice, public works and other programs  
8 or services outside the responsibilities of emergency management agencies under ch.  
9 166.

10 (4) In this subsection, "total funds" means the county payment determined  
11 under sub. (3) plus the payment received under sub. (2) for the same calendar year.

12 If the amount expended by <sup>the</sup> county emergency management agency in the calendar  
13 year for which a payment under sub. (2) was made is less than the total funds, the  
14 county shall pay to the state an amount equal to the difference between the total  
15 funds and the amount expended by <sup>the</sup> county emergency management agency. The  
16 payment to the state under this subsection may not exceed the amount paid to the  
17 county under sub. (2) for the calendar year for which the payment under sub. (2) was  
18 made.

19 (5) From the appropriation under s. 20.465 (3) (hk), the division shall annually  
20 reimburse the department of revenue an amount not to exceed 60% of the amount  
21 in that appropriation account for the costs incurred by the department of revenue  
22 under ss. 73.03 (56) and 610.30. From the appropriation under s. 20.465 (3) (hk), the  
23 division shall annually reimburse the commissioner of insurance an amount not to  
24 exceed 20% of the amount in that appropriation account for the costs incurred by the  
25 commissioner under ss. 601.415 (13) and 610.30. From the appropriation under s.

1 20.465 (3) (hk), the division shall annually reimburse insurers an amount not to  
 2 exceed 20% of the amount in that appropriation account for the costs incurred by the  
 3 insurers under s. 610.30 and under s. 631.36 (2) (a) (intro.), as it relates to fees  
 4 collected under s. 610.30.

5 (6) The division shall promulgate rules for the allocation and use of funds from  
 6 the appropriation accounts under s. 20.465 (3) (h), (hc), (he), (hg), (hi) and (hk) and  
 7 for the administration of this section.

\*\*\*\*NOTE: I think this draft needs more direction to the division on how to  
 administer the appropriations providing that division with funding.

inserts  
 600  
 &  
 FEE  
 10

**SECTION 11. Effective date.**

8  
 9 (1) INSURANCE FEES. The treatment of sections 20.465 (3) (h), (hc), (he), (hg), (hi)  
 10 and (hk), 73.03 (56), 601.415 (13), 610.30 and 631.36 (2) (a) (intro.) of the statutes  
 11 takes effect on January 1, 2000.

12 (2) EMERGENCY MANAGEMENT. The treatment of sections 166.02 (2m), (4) and (6)  
 13 and 166.23 of the statutes takes effect on July 1, 2000.

14 (END)



(B) (NO 2)

(91) 73.03 (50)

Insert 3-16

(91) or; 73.03 (56) <sub>1</sub> = To administer, audit and enforce the assessment and collection of fees under s. 610.30.

Insert  
3-16

(END INSERT)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1320/P1ins  
PJK.....

INSERT 600

SECTION 1. 601.415 (13) of the statutes is created to read:

601.415 (13) EMERGENCY MANAGEMENT FEE COLLECTION. The commissioner shall cooperate with and, upon request, provide information to the department of revenue with respect to the department's supervision, auditing and enforcement of the emergency management ~~fees~~ fees collection program under s. 610.30.

SECTION 2. 610.30 of the statutes is created to read:

**610.30 Collection of emergency management ~~fees~~ fees.** (1) An insurer that issues or delivers in this state any of the following policies shall annually assess and collect from the policyholder of each such policy the fee specified:

- (a) A motor vehicle insurance policy, a fee of \$1.
- (b) A residential property insurance policy, a fee of \$4.
- (c) A commercial or business property insurance policy, a fee of \$6.

(2) A fee assessed under sub. (1) shall be in addition to, and shall not be considered a part of, any premium payable for coverage under the policy. As provided in s. 631.36 (2), an insurer may cancel a policy specified in sub. (1) (a) to (c) for nonpayment of a fee assessed under sub. (1).

(3) Insurers collecting fees under sub. (1) shall remit all fees collected to the department of revenue. Upon notice to and approval of the department of revenue, an insurer may remit the fees on a monthly, quarterly, semiannual or annual basis.

(4) An insurer that is required to collect a fee under sub. (1) shall maintain at its principal place of business complete and detailed records relating to the collection of the fees and shall make the records available to the department of revenue and the commissioner upon request.

✓  
**SECTION 3.** 631.36 (2) (a) (intro.) of the statutes is amended to read:

631.36 (2) (a) *Permissible grounds.* (intro.) Except as provided by par. (c) and sub. (3) and s. 655.24 (2) (b), no insurance policy may be canceled by the insurer prior to the expiration of the agreed term except for failure to pay a premium when due, for failure to pay a fee assessed under s. 610.30 (1) when due or on grounds stated in the policy, which must be comprehended within one of the following classes:

**History:** 1975 c. 375, 421; 1977 c. 444 s. 11; 1979 c. 102; 1979 c. 110 s. 60 (11); 1981 c. 83; 1985 a. 335; 1989 a. 187, 332, 359; 1991 a. 315; 1995 a. 259; 1997 a. 27.

(END OF INSERT 600)

1999

<sup>Insert</sup>  
**EEE**

LRB -1320,PI

Nonstat File Sequence:

PJK : \_\_\_\_\_

**INITIAL APPLICABILITY**

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
 For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the 9300 department code; and fill in "\_\_\_" or "( )" only if a "frozen" number is needed.

**SECTION #** 193 **Initial applicability;** .....  
*applicable insurance policies* .....

( #1 ) ( ) .....

..... The treatment of sections ..  
601.415.(13), 610.30 and 631.36(2)(a)(intro.)

..... of the statutes  
 first applies to *policies issued or renewed* on .....  
*the effective date of this subsection.*

~~1. In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the text, execute: ..... create → text: → \*NS: → inappl  
 2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in  
 "\_\_\_" or "( )" only if a "frozen" number is needed.~~

~~**SECTION #** \_\_\_\_\_ **Initial applicability;** .....~~

~~( #1 ) ( ) ..... This act first ap-  
 plies to .....~~

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

LRB-1320/P1dn  
RPN.&PJK:.....

*cmj*

Please review this draft carefully to ensure that it complies with your intent. I discussed this draft with Diane Kleiboer, of the division of emergency management, as you suggested. Please share this draft with her to have her review the draft and the internal notes.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511

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

LRB-1320/P1dn  
RPN:cmh:lp

March 25, 1999

Please review this draft carefully to ensure that it complies with your intent. I discussed this draft with Diane Kleiboer, of the division of emergency management, as you suggested. Please share this draft with her to have her review the draft and the internal notes.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1320/22  
RPN/JK/PJK:cmh:lp

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1999 Bill

*repeal*

1 AN ACT *to amend* 631.36 (2) (a) (intro.); *to repeal and recreate* 166.02 (4); and  
 2 *to create* 20.465 (3) (h), 20.465 (3) (hc), 20.465 (3) (he), 20.465 (3) (hg), 20.465  
 3 (3) (hi), 20.465 (3) (hk), 73.03 (56), 166.02 (2m), 166.02 (6), 166.23, 601.415 (13)  
 4 and 610.30 of the statutes; **relating to:** responding to disasters, granting  
 5 rule-making authority and making an appropriation.

**Analysis by the Legislative Reference Bureau**

✓  
Insert  
ANL →

~~This is a preliminary draft. An analysis will be provided in a later version.~~  
For further information see the **state and local** 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:**

6 SECTION 1. 20.465 (3) (h) of the statutes is created to read:  
 7 20.465 (3) (h) *Emergency management and disaster assistance.* All moneys  
 8 received by the state treasurer from the collection of emergency management fees  
 9 under s. 610.30 (1) for state, county and local emergency management and disaster

**SECTION 1**

1 assistance. The secretary of administration shall annually transfer 35% of all  
2 moneys credited to this appropriation to the appropriation account under par. (hc),  
3 25% of all moneys credited to this appropriation to the appropriation account under  
4 par. (he), 10% of all moneys credited to this appropriation to the appropriation  
5 account under par. (hg), 25% of all moneys credited to this appropriation to the  
6 appropriation account under par. (hi) and 5% of all moneys credited to this  
7 appropriation to the appropriation account under par. (hk).

8 **SECTION 2.** 20.465 (3) (hc) of the statutes is created to read:

9 20.465 (3) (hc) *Emergency management; nonfederally declared disasters.* All  
10 moneys transferred from par. (h) for grants to counties under s. 166.23, if federal  
11 disaster relief is not available, to assist individuals and local governments whose  
12 losses are not covered by insurance. All moneys transferred from par. (h) shall be  
13 credited to this appropriation, except that the unencumbered balance on June 30 of  
14 each year shall revert to the appropriation account under par. (h).

15 **SECTION 3.** 20.465 (3) (he) of the statutes is created to read:

16 20.465 (3) (he) *Emergency management; county emergency management.* All  
17 moneys transferred from par. (h) for all hazard county and local emergency  
18 management planning, training and exercises to enhance county and local  
19 emergency management capabilities. All moneys transferred from par. (h) shall be  
20 credited to this appropriation, except that the unencumbered balance on June 30 of  
21 each year shall revert to the appropriation account under par. (h).

22 **SECTION 4.** 20.465 (3) (hg) of the statutes is created to read:

23 20.465 (3) (hg) *Emergency management; statewide warnings and*  
24 *communications.* All moneys transferred from par. (h) for the development and  
25 maintenance of a statewide emergency warning and communications capability. All



1 moneys transferred from par. (h) shall be credited to this appropriation, except that  
2 the unencumbered balance on June 30 of each year shall revert to the appropriation  
3 account under par. (h).

4 **SECTION 5.** 20.465 (3) (hi) of the statutes is created to read:

5 20.465 (3) (hi) *Emergency management; state emergency programs.* All moneys  
6 transferred from par. (h) for state all hazard emergency management planning,  
7 training and exercises related to state support of local emergency management. All  
8 moneys transferred from par. (h) shall be credited to this appropriation, except that  
9 the unencumbered balance on June 30 of each year shall revert to the appropriation  
10 account under par. (h).

11 **SECTION 6.** 20.465 (3) (hk) of the statutes is created to read:

12 20.465 (3) (hk) *Emergency management; collection of fees.* All moneys  
13 transferred from par. (h) for administrative expenses related to collection of  
14 emergency management fees under s. 610.30. All moneys transferred from par. (h)  
15 shall be credited to this appropriation, except that the unencumbered balance on  
16 June 30 of each year shall revert to the appropriation account under par. (h).

17 **SECTION 7.** 73.03 (56) of the statutes is created to read:

18 73.03 (56) To administer, audit and enforce the assessment and collection of  
19 fees under s. 610.30.

20 **SECTION 8.** 166.02 (2m) of the statutes is created to read:

21 166.02 (2m) “Disaster” means any natural, man-made, technological or civil  
22 emergency that causes damage of sufficient severity and magnitude to result in a  
23 declaration of a state of emergency by the president of the United States, the  
24 governor or the county executive or, if the county does not have a county executive,  
25 by the chairperson of the county board.

X  
 \*\*\*NOTE: The proposed language included definitions of "catastrophic disaster" and "minor disaster". However, because those terms were never used in the proposal and are not used in chapter 166, I omitted them from the draft.

1           **SECTION 9.** 166.02 (4) of the statutes is repealed and recreated to read:

2           166.02 (4) "Emergency management" means the preparation for, mitigation of,  
 3 response to and recovery from disasters. "Emergency management" includes all of  
 4 the following:

5           (a) Reducing the vulnerability of people and communities of this state to  
 6 damage, injury or loss of life or property resulting from disasters ~~and catastrophes~~ or  
 7 hostile military or paramilitary action.

\*\*\*NOTE: Is the term "catastrophe" necessary? Is that different from a "disaster" which is defined in this draft to include natural and man-made emergencies?

8           (b) Preparing for the prompt and efficient response and recovery to protect lives  
 9 and property affected by disasters.

10           (c) Rescuing, caring for and treating persons victimized or threatened by  
 11 disasters.

12           (d) Responding to disasters using all systems, plans and resources necessary  
 13 to preserve the health, safety and welfare of persons and property affected by the  
 14 disaster.

15           (e) Recovering from disasters by providing for the rapid and orderly start of  
 16 restoration and rehabilitation of persons and property affected by disasters.

17           (f) Providing an emergency management system that embodies all aspects of  
 18 preparedness, response, recovery and mitigation.

19           (g) Assisting in the recognition, appraisal and mitigation of disasters that may  
 20 be caused or aggravated by inadequate planning for, and regulation of, public and  
 21 private facilities and land use.

\*\*\*NOTE: Is par. (d) necessary, i.e. is that language covered by the other paragraphs, especially par. (f)? The submitted language used the terms "emergency"

sometimes and "disaster" other times, and sometimes both terms. Based on the definition of "disaster" used in the draft, using the term "emergency" is redundant. I replaced "emergency" with "disaster" in these definitions, except in the definition of "disaster".  
OK?

1           **SECTION 10.** 166.02 (6) of the statutes is created to read:

2           166.02 (6) "Major disaster" means a disaster that will likely exceed local  
3 capabilities to respond in an adequate, timely manner and may require a broad range  
4 of state and federal assistance.

\*\*\*NOTE: I changed this definition slightly. Is what I did OK?

5           **SECTION 11.** 166.23 of the statutes is created to read:

6           **166.23 Supplemental payments for emergency management and**  
7 **disaster assistance.** (1) The division shall provide money to a county emergency  
8 management agency from the appropriation accounts under s. 20.465 (3) (hc) and  
9 (he) only if the county emergency management agency does the following:

10           (a) In counties with a population of 30,000 or more, employs a person to work  
11 full-time, 40 hours per week, exclusively as the emergency management  
12 coordinator. That person would have no other duties for the county or the county  
13 emergency management agency.

14           (b) In counties with a population of less than 30,000, employs a person to work  
15 exclusively as the emergency management coordinator for at least 20 hours per  
16 week.

17           (2) From the appropriation under s. 20.465 (3) (he), the division shall pay  
18 <sup>annually</sup> \$35,000 to a county that employs a person to work exclusively as an emergency  
19 management coordinator for 40 hours per week. From the appropriation under s.  
20 <sup>annually</sup> 20.465 (3) (he), the division shall pay \$20,000 to a county that employs a person to  
21 work exclusively as an emergency management coordinator for at least 20 hours per  
22 week.

1           **(3)** A county receiving a payment under sub. (2) shall use that payment, plus  
2           an amount equal to the average of the county general revenue funding provided to  
3           the county emergency management agency for the past three years or equal to the  
4           county general revenue funding provided to the county emergency management  
5           agency for the past fiscal year, whichever is lower, for the provision of county  
6           emergency management services. In this subsection, “funding provided to the  
7           county emergency management agency” does not include county moneys provided  
8           for the emergency telephone system under s. 146.70, emergency medical services  
9           under s. 146.55, law enforcement, criminal justice, public works and other programs  
10          or services outside the responsibilities of emergency management agencies under ch.  
11          166.

12          **(4)** In this subsection, “total funds” means the county payment determined  
13          under sub. (3) plus the payment received under sub. (2) for the same calendar year.  
14          If the amount expended by the county emergency management agency in the  
15          calendar year for which a payment under sub. (2) was made is less than the total  
16          funds, the county shall pay to the state an amount equal to the difference between  
17          the total funds and the amount expended by the county emergency management  
18          agency. The payment to the state under this subsection may not exceed the amount  
19          paid to the county under sub. (2) for the calendar year for which the payment under  
20          sub. (2) was made.

21          **(5)** From the appropriation under s. 20.465 (3) (hk), the division shall annually  
22          reimburse the department of revenue an amount not to exceed 60% of the amount  
23          in that appropriation account for the costs incurred by the department of revenue  
24          under ss. 73.03 (56) and 610.30. From the appropriation under s. 20.465 (3) (hk), the  
25          division shall annually reimburse the commissioner of insurance an amount not to

1 exceed 20% of the amount in that appropriation account for the costs incurred by the  
2 commissioner under ss. 601.415 (13) and 610.30. From the appropriation under s.  
3 20.465 (3) (hk), the division shall annually reimburse insurers an amount not to  
4 exceed 20% of the amount in that appropriation account for the costs incurred by the  
5 insurers under s. 610.30 and under s. 631.36 (2) (a) (intro.), as it relates to fees  
6 collected under s. 610.30.

7 (6) The division shall promulgate rules for the allocation and use of funds from  
8 the appropriation accounts under s. 20.465 (3) (h), (hc), (he), (hg), (hi) and (hk) and  
9 for the administration of this section.

*\*\*\*\*NOTE: I think this draft needs more direction to the division on how to  
administer the appropriations providing that division with funding.*

10 **SECTION 12.** 601.415 (13) of the statutes is created to read:

11 601.415 (13) EMERGENCY MANAGEMENT FEE COLLECTION. The commissioner shall  
12 cooperate with and, upon request, provide information to the department of revenue  
13 with respect to the department's supervision, auditing and enforcement of the  
14 emergency management fees collection program under s. 610.30.

15 **SECTION 13.** 610.30 of the statutes is created to read:

16 **610.30 Collection of emergency management fees.** (1) An insurer that  
17 issues or delivers in this state any of the following policies shall annually assess and  
18 collect from the policyholder of each such policy the fee specified:

19 (a) A motor vehicle insurance policy, a fee of \$1.

20 (b) A residential property insurance policy, a fee of \$4.

21 (c) A commercial or business property insurance policy, a fee of \$6.

22 (2) A fee assessed under sub. (1) shall be in addition to, and shall not be  
23 considered a part of, any premium payable for coverage under the policy. As provided

**SECTION 13**

1 in s. 631.36 (2), an insurer may cancel a policy specified in sub. (1) (a) to (c) for  
2 nonpayment of a fee assessed under sub. (1).

3 (3) Insurers collecting fees under sub. (1) shall remit all fees collected to the  
4 department of revenue. Upon notice to and approval of the department of revenue,  
5 an insurer may remit the fees on a monthly, quarterly, semiannual or annual basis.

6 (4) An insurer that is required to collect a fee under sub. (1) shall maintain at  
7 its principal place of business complete and detailed records relating to the collection  
8 of the fees and shall make the records available to the department of revenue and the  
9 commissioner upon request.

10 **SECTION 14.** 631.36 (2) (a) (intro.) of the statutes is amended to read:

11 631.36 (2) (a) *Permissible grounds.* (intro.) Except as provided by par. (c) and  
12 sub. (3) and s. 655.24 (2) (b), no insurance policy may be canceled by the insurer prior  
13 to the expiration of the agreed term except for failure to pay a premium when due,  
14 for failure to pay a fee assessed under s. 610.30 (1) when due or on grounds stated  
15 in the policy, which must be comprehended within one of the following classes:

16 **SECTION 15. Initial applicability; applicable insurance policies.**

17 (1) The treatment of sections 601.415 (13), 610.30 and 631.36 (2) (a) (intro.) of  
18 the statutes first applies to policies issued or renewed on the effective date of this  
19 subsection.

20 **SECTION 16. Effective date.**

21 (1) **INSURANCE FEES.** The treatment of sections 20.465 (3) (h), (hc), (he), (hg), (hi)  
22 and (hk), 73.03 (56), 601.415 (13), 610.30 and 631.36 (2) (a) (intro.) of the statutes  
23 takes effect on January 1, 2000.

1           (2) EMERGENCY MANAGEMENT. The treatment of sections 166.02 (2m), (4) and (6)  
2 and 166.23 of the statutes takes effect on July 1, 2000.

3                                   (END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1320/lins  
RPN/JK/PJK:cmh:lp

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Currently, the division of emergency management in the department of military affairs provides grants to county emergency planning committees to enable those committees to maintain, review and implement federally-required emergency response plans. The grants may also be used for emergency response equipment and administrative costs related to the local emergency planning committee. Under current law, the division of emergency management contracts with regional emergency response teams which were established and funded to response to Level A releases (releases of hazardous substances that require the highest level of protective equipment) and provides funding to local emergency response teams for costs incurred in responding to hazardous substance releases. Funding for these programs comes from federal, state and county funds and from fees paid by facilities that are required to submit emergency planning notifications to the department of natural resources and by persons that are required to file hazardous materials transportation registration statements. The division also provides the state share of grants to individuals and contributions to local governments for major disaster recovery assistance.

This bill gives the division of emergency management the authority to provide additional money to county emergency management agencies for the provision of emergency management services. The bill allows the division to provide funds to counties to assist individuals and local governments whose losses from a disaster are not covered by federal disaster relief or by insurance. The bill also allows the division to provide funds for emergency management planning, training and exercises. Under the bill counties with a population of 30,000 or more will be eligible for an additional \$35,000 if the county employs a person to work full-time as an emergency management coordinator. Counties with a population of less than 30,000 will be eligible for an additional \$20,000 per year if the county employs a person to work at least 20 hours per week as an emergency management coordinator. The bill requires counties to maintain current county funding of emergency management. The bill provides funding to the division of emergency management for the development and maintenance of statewide emergency communications and for state emergency management planning, training and exercises.

Under the bill, insurance companies are required to annually assess a fee of \$1 for each motor vehicle insurance policy, \$4 for each residential property insurance policy and \$6 for each commercial or business property insurance policy. The fees are sent to the department of revenue for deposit in the state treasury. The commissioner of insurance is required to provide the department of revenue with information necessary to supervise, audit and enforce the fee assessments. The money generated from these fees provides the funds for the emergency management services provided under the bill.

END





**1999 BILL**

WRO,  
create  
autonefs

repeal act

1 **AN ACT to amend** 631.36 (2) (a) (intro.); **to repeal and recreate** 166.02 (4); and  
2 **to create** 20.465 (3) (h), 20.465 (3) (hc), 20.465 (3) (he), 20.465 (3) (hg), 20.465  
3 (3) (hi), 20.465 (3) (hk), 73.03 (56), 166.02 (2m), 166.02 (6), 166.23, 601.415 (13)  
4 and 610.30 of the statutes; **relating to:** responding to disasters, granting  
5 rule-making authority and making an appropriation.

***Analysis by the Legislative Reference Bureau***

Currently, the division of emergency management in the department of military affairs provides grants to county emergency planning committees to enable those committees to maintain, review and implement federally required emergency response plans. The grants may also be used for emergency response equipment and administrative costs related to the local emergency planning committee. Under current law, the division of emergency management contracts with regional emergency response teams that were established and funded to response to Level A releases (releases of hazardous substances that require the highest level of protective equipment) and provides funding to local emergency response teams for costs incurred in responding to hazardous substance releases. Funding for these programs comes from federal, state and county funds and from fees paid by facilities that are required to submit emergency planning notifications to the department of natural resources and by persons that are required to file hazardous materials transportation registration statements. The division also provides the state share of grants to individuals and contributions to local governments for major disaster recovery assistance.

**BILL**

This bill gives the division of emergency management the authority to provide additional money to county emergency management agencies for the provision of emergency management services. The bill allows the division to provide funds to counties to assist individuals and local governments whose losses from a disaster are not covered by federal disaster relief or by insurance. The bill also allows the division to provide funds for emergency management planning, training and exercises. Under the bill counties with a population of 30,000 or more will be eligible for an additional \$35,000 if the county employs a person to work full-time as an emergency management coordinator. Counties with a population of less than 30,000 will be eligible for an additional \$20,000 per year if the county employs a person to work at least 20 hours per week as an emergency management coordinator. The bill requires counties to maintain current county funding of emergency management. The bill provides funding to the division of emergency management for the development and maintenance of statewide emergency communications and for state emergency management planning, training and exercises.

Under the bill, insurance companies are required to assess annually a fee of \$1 for each motor vehicle insurance policy, \$4 for each residential property insurance policy and \$6 for each commercial or business property insurance policy. The fees are sent to the department of revenue for deposit into the state treasury. The commissioner of insurance is required to provide the department of revenue with information necessary to supervise, audit and enforce the fee assessments. The money generated from these fees provides the funds for the emergency management services provided under the bill.

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

1           **SECTION 1.** 20.465 (3) (h) of the statutes is created to read:  
2           20.465 (3) (h) *Emergency management and disaster assistance.* All moneys  
3 received by the state treasurer from the collection of emergency management fees  
4 under s. 610.30 (1) for state, county and local emergency management and disaster  
5 assistance. The secretary of administration shall annually transfer 35% of all  
6 moneys credited to this appropriation to the appropriation account under par. (hc),  
7 25% of all moneys credited to this appropriation to the appropriation account under  
8 par. (he), 10% of all moneys credited to this appropriation to the appropriation

**BILL**

1 account under par. (hg), 25% of all moneys credited to this appropriation to the  
2 appropriation account under par. (hi) and 5% of all moneys credited to this  
3 appropriation to the appropriation account under par. (hk).

4 **SECTION 2.** 20.465 (3) (hc) of the statutes is created to read:

5 20.465 (3) (hc) *Emergency management; nonfederally declared disasters.* All  
6 moneys transferred from par. (h) for grants to counties under s. 166.23, if federal  
7 disaster relief is not available, to assist individuals and local governments whose  
8 losses are not covered by insurance. All moneys transferred from par. (h) shall be  
9 credited to this appropriation, except that the unencumbered balance on June 30 of  
10 each year shall revert to the appropriation account under par. (h).

11 **SECTION 3.** 20.465 (3) (he) of the statutes is created to read:

12 20.465 (3) (he) *Emergency management; county emergency management.* All  
13 moneys transferred from par. (h) for all hazard county and local emergency  
14 management planning, training and exercises to enhance county and local  
15 emergency management capabilities. All moneys transferred from par. (h) shall be  
16 credited to this appropriation, except that the unencumbered balance on June 30 of  
17 each year shall revert to the appropriation account under par. (h).

18 **SECTION 4.** 20.465 (3) (hg) of the statutes is created to read:

19 20.465 (3) (hg) *Emergency management; statewide warnings and*  
20 *communications.* All moneys transferred from par. (h) for the development and  
21 maintenance of a statewide emergency warning and communications capability. All  
22 moneys transferred from par. (h) shall be credited to this appropriation, except that  
23 the unencumbered balance on June 30 of each year shall revert to the appropriation  
24 account under par. (h).

25 **SECTION 5.** 20.465 (3) (hi) of the statutes is created to read:

**BILL****SECTION 5**

1           20.465 (3) (hi) *Emergency management; state emergency programs.* All moneys  
2 transferred from par. (h) for state all hazard emergency management planning,  
3 training and exercises related to state support of local emergency management. All  
4 moneys transferred from par. (h) shall be credited to this appropriation, except that  
5 the unencumbered balance on June 30 of each year shall revert to the appropriation  
6 account under par. (h).

7           **SECTION 6.** 20.465 (3) (hk) of the statutes is created to read:

8           20.465 (3) (hk) *Emergency management; collection of fees.* All moneys  
9 transferred from par. (h) for administrative expenses related to collection of  
10 emergency management fees under s. 610.30. All moneys transferred from par. (h)  
11 shall be credited to this appropriation, except that the unencumbered balance on  
12 June 30 of each year shall revert to the appropriation account under par. (h).

13           **SECTION 7.** 73.03 (56) of the statutes is created to read:

14           73.03 (56) To administer, audit and enforce the assessment and collection of  
15 fees under s. 610.30.

16           **SECTION 8.** 166.02 (2m) of the statutes is created to read:

17           166.02 (2m) “Disaster” means any natural, man-made, technological or civil  
18 emergency that causes damage of sufficient severity and magnitude to result in a  
19 declaration of a state of emergency by the president of the United States, the  
20 governor or the county executive or, if the county does not have a county executive,  
21 by the chairperson of the county board.

22           **SECTION 9.** 166.02 (4) of the statutes is repealed and recreated to read:

23           166.02 (4) “Emergency management” means the preparation for, mitigation of,  
24 response to and recovery from disasters. “Emergency management” includes all of  
25 the following:

**BILL**

1           (a) Reducing the vulnerability of people and communities of this state to  
2 damage, injury or loss of life or property resulting from disasters or hostile military  
3 or paramilitary action.

4           (b) Preparing for the prompt and efficient response and recovery to protect lives  
5 and property affected by disasters.

6           (c) Rescuing, caring for and treating persons victimized or threatened by  
7 disasters.

8           (d) Responding to disasters using all systems, plans and resources necessary  
9 to preserve the health, safety and welfare of persons and property affected by the  
10 disaster.

11           (e) Recovering from disasters by providing for the rapid and orderly start of  
12 restoration and rehabilitation of persons and property affected by disasters.

13           (f) Providing an emergency management system that embodies all aspects of  
14 preparedness, response, recovery and mitigation.

15           (g) Assisting in the recognition, appraisal and mitigation of disasters that may  
16 be caused or aggravated by inadequate planning for, and regulation of, public and  
17 private facilities and land use.

18           **SECTION 10.** 166.02 (6) of the statutes is created to read:

19           166.02 (6) “Major disaster” means a disaster that will likely exceed local  
20 capabilities to respond in an adequate, timely manner and may require a broad range  
21 of state and federal assistance.

22           **SECTION 11.** 166.23 of the statutes is created to read:

23           **166.23 Supplemental payments for emergency management and**  
24 **disaster assistance.** (1) The division shall provide money to a county emergency

**BILL****SECTION 11**

1 management agency from the appropriation accounts under s. 20.465 (3) (hc) and  
2 (he) only if the county emergency management agency does the following:

3 (a) In counties with a population of 30,000 or more, employs a person to work  
4 full-time, 40 hours per week, exclusively as the emergency management  
5 coordinator. That person would have no other duties for the county or the county  
6 emergency management agency.

7 (b) In counties with a population of less than 30,000, employs a person to work  
8 exclusively as the emergency management coordinator for at least 20 hours per  
9 week.

10 (2) From the appropriation under s. 20.465 (3) (he), the division shall pay  
11 \$35,000 annually to a county that employs a person to work exclusively as an  
12 emergency management coordinator for 40 hours per week. From the appropriation  
13 under s. 20.465 (3) (he), the division shall pay \$20,000 annually to a county that  
14 employs a person to work exclusively as an emergency management coordinator for  
15 at least 20 hours per week.

16 (3) A county receiving a payment under sub. (2) shall use that payment, plus  
17 an amount equal to the average of the county general revenue funding provided to  
18 the county emergency management agency for the past three years or equal to the  
19 county general revenue funding provided to the county emergency management  
20 agency for the past fiscal year, whichever is lower, for the provision of county  
21 emergency management services. In this subsection, "funding provided to the  
22 county emergency management agency" does not include county moneys provided  
23 for the emergency telephone system under s. 146.70, emergency medical services  
24 under s. 146.55, law enforcement, criminal justice, public works and other programs

**BILL**

1 or services outside the responsibilities of emergency management agencies under ch.  
2 166.

3 (4) In this subsection, "total funds" means the county payment determined  
4 under sub. (3) plus the payment received under sub. (2) for the same calendar year.  
5 If the amount expended by the county emergency management agency in the  
6 calendar year for which a payment under sub. (2) was made is less than the total  
7 funds, the county shall pay to the state an amount equal to the difference between  
8 the total funds and the amount expended by the county emergency management  
9 agency. The payment to the state under this subsection may not exceed the amount  
10 paid to the county under sub. (2) for the calendar year for which the payment under  
11 sub. (2) was made.

12 (5) From the appropriation under s. 20.465 (3) (hk), the division shall annually  
13 reimburse the department of revenue an amount not to exceed 60% of the amount  
14 in that appropriation account for the costs incurred by the department of revenue  
15 under ss. 73.03 (56) and 610.30. From the appropriation under s. 20.465 (3) (hk), the  
16 division shall annually reimburse the commissioner of insurance an amount not to  
17 exceed 20% of the amount in that appropriation account for the costs incurred by the  
18 commissioner under ss. 601.415 (13) and 610.30. From the appropriation under s.  
19 20.465 (3) (hk), the division shall annually reimburse insurers an amount not to  
20 exceed 20% of the amount in that appropriation account for the costs incurred by the  
21 insurers under s. 610.30 and under s. 631.36 (2) (a) (intro.), as it relates to fees  
22 collected under s. 610.30.

23 (6) The division shall promulgate rules for the allocation and use of funds from  
24 the appropriation accounts under s. 20.465 (3) (h), (hc), (he), (hg), (hi) and (hk) and  
25 for the administration of this section.

**BILL****SECTION 12**

1           **SECTION 12.** 601.415 (13) of the statutes is created to read:

2           **601.415 (13) EMERGENCY MANAGEMENT FEE COLLECTION.** The commissioner shall  
3 cooperate with and, upon request, provide information to the department of revenue  
4 with respect to the department's supervision, auditing and enforcement of the  
5 emergency management fees collection program under s. 610.30.

6           **SECTION 13.** 610.30 of the statutes is created to read:

7           **610.30 Collection of emergency management fees.** (1) An insurer that  
8 issues or delivers in this state any of the following policies shall annually assess and  
9 collect from the policyholder of each such policy the fee specified:

10           (a) A motor vehicle insurance policy, a fee of \$1.

11           (b) A residential property insurance policy, a fee of \$4.

12           (c) A commercial or business property insurance policy, a fee of \$6.

13           (2) A fee assessed under sub. (1) shall be in addition to, and shall not be  
14 considered a part of, any premium payable for coverage under the policy. As provided  
15 in s. 631.36 (2), an insurer may cancel a policy specified in sub. (1) (a) to (c) for  
16 nonpayment of a fee assessed under sub. (1).

17           (3) Insurers collecting fees under sub. (1) shall remit all fees collected to the  
18 department of revenue. Upon notice to and approval of the department of revenue,  
19 an insurer may remit the fees on a monthly, quarterly, semiannual or annual basis.

20           (4) An insurer that is required to collect a fee under sub. (1) shall maintain at  
21 its principal place of business complete and detailed records relating to the collection  
22 of the fees and shall make the records available to the department of revenue and the  
23 commissioner upon request.

24           **SECTION 14.** 631.36 (2) (a) (intro.) of the statutes is amended to read:



**BILL**

1           631.36 (2) (a) *Permissible grounds.* (intro.) Except as provided by par. (c) and  
2           sub. (3) and s. 655.24 (2) (b), no insurance policy may be canceled by the insurer prior  
3           to the expiration of the agreed term except for failure to pay a premium when due,  
4           for failure to pay a fee assessed under s. 610.30 (1) when due or on grounds stated  
5           in the policy, which must be comprehended within one of the following classes:

6           **SECTION 15. Initial applicability; applicable insurance policies.**

*create auton ref a*  
*create auton ref b*

7           (1) The treatment of sections 601.415 (13), 610.30 and 631.36 (2) (a) (intro.) of  
8           the statutes first applies to policies issued or renewed on the effective date of this  
9           subsection.

10          **SECTION 16. Effective date.**

11          (1) INSURANCE FEES. The treatment of sections 20.465 (3) (h), (hc), (he), (hg), (hi)  
12          and (hk), ~~73.03 (56), 601.415 (13), 610.30 and 631.36 (2) (a) (intro.)~~ of the statutes  
13          and SECTION 15 (1) of this act takes effect on January 1, 2000.

14          (2) EMERGENCY MANAGEMENT. The treatment of sections 166.02 (2m), (4) and (6)  
15          and 166.23 of the statutes takes effect on July 1, 2000.

16    (END)

*D - Note*

*Section 16 (1) had an error  
in LRB-1320/1, which is  
corrected in this draft.*

*RPN*

---

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

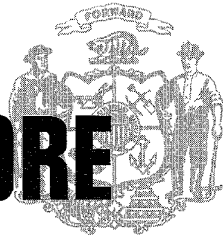
LRB-1320/2dn  
RPN:cmh:jf

April 29, 1999

Section 16 (1) had an error in LRB-1320/1, which is corrected in this draft.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511

*State Senator*  
**GWENDOLYNNE MOORE**



**Capitol Office:**  
P. O. Box 7882, Madison, WI 53707-7882  
Phone: (608) 266-5810 Fax: (608) 267-2353  
**District Telephone:** (414) 442-3080  
**Toll-free Legislative Hotline:** 1-800-362-9472  
**E-Mail:** sen.moore@legis.state.wi.us  
**Member:** Joint Finance Committee  
**Board Member:** Wisconsin Housing and  
Economic Development Authority

MEMORANDUM

TO: Bob Nelson (LRB Drafting)

FROM: Darren Magee (Sen. Moore's office)

SUBJECT: LRB-1320/2 (Emergency Management Disaster Fund)

DATE: May 3, 1999

Bob,

Pursuant to our conversation of earlier today, here are the changes to the draft recommended by the staff at the Division of Emergency Management. Please feel free to contact this office or Diane Kleiboer (242-3200) with any questions. You may want to talk to Diane concerning the changes in the analysis.

**Nelson, Robert**

---

**From:** Magee, Darren  
**Sent:** Monday, May 03, 1999 11:20 AM  
**To:** Nelson, Robert  
**Subject:** LRB-1320

Bob,

I just wanted to let you know that I have sent over the revisions on the Emergency Management bill. Also, I am sending a copy over to David Worzala at the Fiscal Bureau for him to take a look at. He wanted me to let you know that it is okay to discuss the bill with him. If you have any questions or comments please let me know.

Darren Magee  
Office of Sen. Gwendolynne S. Moore

242-3248

Diane Kleiber



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1320/2  
RPN/JK/PJK:cmh:jf

1999 BILL

1 AN ACT to amend 631.36 (2) (a) (intro.); to repeal and recreate 166.02 (4); and  
2 to create 20.465 (3) (h), 20.465 (3) (hc), 20.465 (3) (he), 20.465 (3) (hg), 20.465  
3 (3) (hi), 20.465 (3) (hk), 73.03 (56), 166.02 (2m), 166.02 (6), 166.23, 601.415 (13)  
4 and 610.30 of the statutes; relating to: responding to disasters, granting  
5 rule-making authority and making an appropriation.

**Analysis by the Legislative Reference Bureau**

Currently, the division of emergency management in the department of military affairs provides grants to county emergency planning committees to enable those committees to maintain, review and implement federally required emergency response plans. The grants may also be used for emergency response equipment and administrative costs related to the local emergency planning committee. Under current law, the division of emergency management contracts with regional emergency response teams that were established and funded to respond to Level A releases (releases of hazardous substances that require the highest level of protective equipment) and provides funding to local emergency response teams for costs incurred in responding to hazardous substance releases. Funding for these programs comes from federal, state and county funds and from fees paid by facilities that are required to submit emergency planning notifications to the department of natural resources and by persons that are required to file hazardous materials transportation registration statements. The division also provides the state share of grants to individuals and contributions to local governments for major disaster recovery assistance. in the event of a presidential disaster declaration

Office does do them but it is not related to this proposal

**BILL**

This bill gives the division of emergency management the authority to provide additional money to county emergency management agencies for the provision of emergency management services. The bill allows the division to provide funds to counties to assist individuals and local governments whose losses from a disaster are not covered by federal disaster relief or by insurance. The bill also allows the division to provide funds for emergency management planning, training and exercises. Under the bill counties with a population of 30,000 or more will be eligible for <sup>up to</sup> an additional \$35,000 if the county employs a person to work full-time as an emergency management coordinator. Counties with a population of less than 30,000 will be eligible for <sup>up to</sup> an additional \$20,000 per year if the county employs a person to work at least 20 hours per week as an emergency management coordinator. The bill requires counties to maintain current county funding of emergency management. The bill provides funding to the division of emergency management for the development and maintenance of statewide emergency communications and for state emergency management planning, training and exercises.

Under the bill, insurance companies are required to assess annually a fee of \$1 for each motor vehicle insurance policy, \$4 for each residential property insurance policy and \$6 for each commercial or business property insurance policy. The fees are sent to the department of revenue for deposit into the state treasury. The commissioner of insurance is required to provide the department of revenue with information necessary to supervise, audit and enforce the fee assessments. The money generated from these fees provides the funds for the emergency management services provided under the bill.

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

- 1           **SECTION 1.** 20.465 (3) (h) of the statutes is created to read:
- 2           20.465 (3) (h) *Emergency management and disaster assistance.* All moneys
- 3 received by the state treasurer from the collection of emergency management fees
- 4 under s. 610.30 (1) for state, county and local emergency management and disaster
- 5 assistance. The secretary of administration shall annually transfer 35% of all
- 6 moneys credited to this appropriation to the appropriation account under par. (hc),
- 7 25% of all moneys credited to this appropriation to the appropriation account under
- 8 par. (he), 10% of all moneys credited to this appropriation to the appropriation

**BILL**

1 account under par. (hg), 25% of all moneys credited to this appropriation to the  
2 appropriation account under par. (hi) and 5% of all moneys credited to this  
3 appropriation to the appropriation account under par. (hk).

4 **SECTION 2.** 20.465 (3) (hc) of the statutes is created to read:

5 20.465 (3) (hc) *Emergency management; nonfederally declared disasters.* All  
6 moneys transferred from par. (h) for grants to counties under s. 166.23, if federal  
7 disaster relief is not available, to assist individuals and local governments whose  
8 <sup>disaster related</sup> losses are not covered by insurance. All moneys transferred from par. (h) shall be  
9 credited to this appropriation, except that the unencumbered balance on June 30 of  
10 each year shall revert to the appropriation account under par. (h).

*no. part of  
substantive in  
166.23  
subsequent to  
a disaster  
of disaster*

11 **SECTION 3.** 20.465 (3) (he) of the statutes is created to read:

12 20.465 (3) (he) *Emergency management; county emergency management.* All  
13 moneys transferred from par. (h) for all-hazards county and local emergency  
14 management planning, training and exercises to enhance county and local  
15 emergency management capabilities. All moneys transferred from par. (h) shall be  
16 credited to this appropriation, except that the unencumbered balance on June 30 of  
17 each year shall revert to the appropriation account under par. (h).

18 **SECTION 4.** 20.465 (3) (hg) of the statutes is created to read:

19 20.465 (3) (hg) *Emergency management; statewide warnings and*  
20 *communications.* All moneys transferred from par. (h) for the development and  
21 maintenance of statewide emergency <sup>management</sup> warning and communications capability. All  
22 moneys transferred from par. (h) shall be credited to this appropriation, except that  
23 the unencumbered balance on June 30 of each year shall revert to the appropriation  
24 account under par. (h).

*no. not  
clear  
ies systems*

25 **SECTION 5.** 20.465 (3) (hi) of the statutes is created to read:

**BILL**

1           20.465 (3) (hi) *Emergency management; state emergency programs.* All moneys  
2 transferred from par. (h) for state all-hazard emergency management planning,  
3 training and exercises ~~related to state support of local emergency management.~~ <sup>they do have some state funds</sup> All  
4 moneys transferred from par. (h) shall be credited to this appropriation, except that  
5 the unencumbered balance on June 30 of each year shall revert to the appropriation  
6 account under par. (h).

7           **SECTION 6.** 20.465 (3) (hk) of the statutes is created to read:

8           20.465 (3) (hk) *Emergency management; collection of fees.* All moneys  
9 transferred from par. (h) for administrative expenses related to collection of  
10 emergency management fees under s. 610.30. All moneys transferred from par. (h)  
11 shall be credited to this appropriation, except that the unencumbered balance on  
12 June 30 of each year shall revert to the appropriation account under par. (h).

13           **SECTION 7.** 73.03 (56) of the statutes is created to read:

14           73.03 (56) *To administer, audit and enforce the assessment and collection of*  
15 *fees under s. 610.30.*

16           **SECTION 8.** 166.02 (2m) of the statutes is created to read:

17           166.02 (2m) "Disaster" means any natural, man-made, technological or civil  
18 emergency that causes damage of sufficient severity and magnitude to result in a  
19 declaration of a state of emergency by ~~the president of the United States,~~ <sup>this applies to the state</sup> the  
20 governor <sup>and</sup> or the county executive or, if the county does not have a county executive,  
21 by the chairperson of the county board.

22           **SECTION 9.** 166.02 (4) of the statutes is repealed and recreated to read:

23           166.02 (4) "Emergency management" means the preparation for, mitigation of,  
24 response to and recovery from disasters. "Emergency management" includes all of  
25 the following:



**BILL**

1 (a) Reducing the vulnerability of people and communities of this state to  
2 damage, injury or loss of life or property resulting from disasters or hostile military  
3 or paramilitary action.

4 (b) Preparing for the prompt and efficient response and recovery to protect lives  
5 and property affected by disasters.

6 (c) Rescuing, caring for and treating persons victimized or threatened by  
7 disasters.

8 (d) Responding to disasters using all systems, plans and resources necessary  
9 to preserve the health, safety and welfare of persons and property affected by the  
10 disaster.

11 (e) Recovering from disasters by providing for the rapid and orderly start of  
12 restoration and rehabilitation of persons and property affected by disasters.

13 (f) Providing an emergency management system that embodies all aspects of  
14 preparedness, response, recovery and mitigation.

15 (g) Assisting in the recognition, appraisal and mitigation of disasters, ~~that may~~  
16 ~~be caused or aggravated by inadequate planning for, and regulation of, public and~~  
17 ~~private facilities and land use.~~

18 **SECTION 10.** 166.02 (6) of the statutes is created to read:

19 166.02 (6) "Major disaster" means a disaster that will likely exceed local  
20 capabilities to respond in an adequate, timely manner and may require a broad range  
21 of state and federal assistance.

22 **SECTION 11.** 166.23 of the statutes is created to read:

23 **166.23 Supplemental payments for emergency management and**  
24 **disaster assistance.** (1) The division shall provide money to a county emergency

**BILL**

1 management agency from the appropriation accounts under s. 20.465 (3) (hc) and  
2 (he) only if the county emergency management agency does the following:

3 (a) In counties with a population of 30,000 or more, employs a person to work  
4 full-time, 40 hours per week, exclusively as the emergency management  
5 coordinator. That person would have no other duties for the county or the county  
6 emergency management agency.

7 (b) In counties with a population of less than 30,000, employs a person to work  
8 exclusively as the emergency management coordinator for at least 20 hours per  
9 week.

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10 (2) From the appropriation under s. 20.465 (3) (he), the division shall pay  
11 \$35,000 annually to a county that employs a person to work exclusively as an  
12 emergency management coordinator for 40 hours per week. From the appropriation  
13 under s. 20.465 (3) (he), the division shall pay \$20,000 annually to a county that  
14 employs a person to work exclusively as an emergency management coordinator for  
15 at least 20 hours per week.

16 (3) A county receiving a payment under sub. (2) shall use that payment, plus  
17 an amount equal to the average of the county general revenue funding provided to  
18 the county emergency management agency for the past three years or equal to the  
19 county general revenue funding provided to the county emergency management  
20 agency for the past fiscal year, whichever is lower, for the provision of county  
21 emergency management services. In this subsection, "funding provided to the  
22 county emergency management agency" does not include county moneys provided  
23 for the emergency telephone system under s. 146.70, emergency medical services  
24 under s. 146.55, law enforcement, criminal justice, public works and other programs

**BILL**

1 or services outside the responsibilities of emergency management agencies under ch.  
2 166.

3 (4) In this subsection, "total funds" means the county payment determined  
4 under sub. (3) plus the payment received under sub. (2) for the same calendar year.  
5 If the amount expended by the county emergency management agency in the  
6 calendar year for which a payment under sub. (2) was made is less than the total  
7 funds, the county shall pay to the state an amount equal to the difference between  
8 the total funds and the amount expended by the county emergency management  
9 agency. The payment to the state under this subsection may not exceed the amount  
10 paid to the county under sub. (2) for the calendar year for which the payment under *redundant*  
11 sub. (2) was made.

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FAX*

12 (5) From the appropriation under s. 20.465 (3) (hk), the division *may pay up to* shall annually  
13 reimburse the department of revenue an amount not to exceed 60% of the amount  
14 in that appropriation account for the costs incurred by the department of revenue  
15 under ss. 73.03 (56) and 610.30. From the appropriation under s. 20.465 (3) (hk), the  
16 division shall annually reimburse the commissioner of insurance an amount not to  
17 exceed 20% of the amount in that appropriation account for the costs incurred by the  
18 commissioner under ss. 601.415 (13) and 610.30. From the appropriation under s.  
19 20.465 (3) (hk), the division shall annually reimburse insurers an amount not to  
20 exceed 20% of the amount in that appropriation account for the costs incurred by the  
21 insurers under s. 610.30 and under s. 631.36 (2) (a) (intro.), as it relates to fees  
22 collected under s. 610.30.

23 (6) The division shall promulgate rules for the allocation and use of funds from  
24 the appropriation accounts under s. 20.465 (3) (h), (hc), (he), (hg), (hi) and (hk) and  
25 for the administration of this section.

(2) From the appropriation under s.20.465(3)(he), the division ~~shall~~ may pay up to \$35,000 annually to a county that employs a person to work exclusively as an emergency management coordinator for 40 hours per week. From the appropriation under s.20.465 (3)(he), the division ~~shall~~ may pay up to \$20,000 annually to a county that employs a person to work exclusively as an emergency management coordinator for at least 20 hours per week. Any payments made to a county in support of an emergency management coordinators position, either full or part-time, shall be in accordance with the policy and provisions of the annual plan of work and grant agreement as negotiated between the county and the division.



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
P. O. BOX 2037  
MADISON, WI 53701-2037

TELEPHONE AREA 506  
REFERENCE 266-0342  
LEADS 266-3567  
FAX 266-6618

### FAX TRANSMITTAL COVER SHEET

Total pages transmitted, including this page: 3

Please deliver to:

Name: Deane Heiboer Agency/Firm: DMA

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

FAX Number: 242-3248

(829)

MESSAGE:

Please review these 2 pages  
of-1320 & call me at 267-7511  
with any changes/suggestions.

SENT BY:

NAME: Bob Nelson DATE: 5/4/ TIME: 10:15 am

If there are any problems with this facsimile transmittal, call (608) 266-0342.



*Note*

**1999 BILL**

*Counties for emergency management programs, including programs related to hazardous substance releases and planning and responding to natural disasters.*

1 **AN ACT to amend** 631.36 (2) (a) (intro.); **to repeal and recreate** 166.02 (4); and  
2 **to create** 20.465 (3) (h), 20.465 (3) (hc), 20.465 (3) (he), 20.465 (3) (hg), 20.465  
3 (3) (hi), 20.465 (3) (hk), 73.03 (56), 166.02 (2m), 166.02 (6), 166.23, 601.415 (13)  
4 and 610.30 of the statutes; **relating to:** responding to disasters, granting  
5 rule-making authority and making ~~an~~ appropriation. <sup>5</sup>

*private businesses*

**Analysis by the Legislative Reference Bureau**

Currently, the division of emergency management in the department of military affairs provides grants to county emergency planning committees to enable those committees to maintain, review and implement federally required emergency response plans. The grants may also be used for emergency response equipment and administrative costs related to the local emergency planning committee. Under current law, the division of emergency management contracts with regional emergency response teams that were established and funded to respond to Level A releases (releases of hazardous substances that require the highest level of protective equipment) and provides funding to local emergency response teams for costs incurred in responding to hazardous substance releases. Funding for these programs comes from federal, state and county funds and from fees paid by facilities that are required to submit emergency planning notifications to the department of natural resources and by persons that are required to file hazardous materials transportation registration statements. The division also provides the state share of grants to individuals and contributions to local governments for major disaster recovery assistance.

*in the event of a presidential disaster declaration*

**BILL**

*up to* in additional funding per year in additional funding

This bill gives the division of emergency management the authority to provide additional money to county emergency management agencies for the provision of emergency management services. The bill allows the division to provide funds to counties to assist individuals and local governments whose losses from a disaster are not covered by federal disaster relief or by insurance. The bill also allows the division to provide funds for emergency management planning, training and exercises. Under the bill counties with a population of 30,000 or more will be eligible for ~~an~~ *up to* additional \$35,000 if the county employs a person to work full-time as an emergency management coordinator. Counties with a population of less than 30,000 will be eligible for ~~an~~ *up to* additional \$20,000 per year if the county employs a person to work at least 20 hours per week as an emergency management coordinator. The bill requires counties to maintain current county funding of emergency management. The bill provides funding to the division of emergency management for the development and maintenance of statewide emergency communications and for state emergency management planning, training and exercises.

Under the bill, insurance companies are required to assess annually a fee of \$1 for each motor vehicle insurance policy, \$4 for each residential property insurance policy and \$6 for each commercial or business property insurance policy. The fees are sent to the department of revenue for deposit into the state treasury. The commissioner of insurance is required to provide the department of revenue with information necessary to supervise, audit and enforce the fee assessments. The money generated from these fees provides the funds for the emergency management services provided under the bill.

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

- 1           **SECTION 1.** 20.465 (3) (h) of the statutes is created to read:
- 2           20.465 (3) (h) *Emergency management and disaster assistance.* All moneys
- 3 received by the state treasurer from the collection of emergency management fees
- 4 under s. 610.30 (1) for state, county and local emergency management and disaster
- 5 assistance. The secretary of administration shall annually transfer 35% of all
- 6 moneys credited to this appropriation to the appropriation account under par. (hc),
- 7 25% of all moneys credited to this appropriation to the appropriation account under
- 8 par. (he), 10% of all moneys credited to this appropriation to the appropriation

**BILL**

1 account under par. (hg), 25% of all moneys credited to this appropriation to the  
2 appropriation account under par. (hi) and 5% of all moneys credited to this  
3 appropriation to the appropriation account under par. (hk).

4 **SECTION 2.** 20.465 (3) (hc) of the statutes is created to read:

5 20.465 (3) (hc) *Emergency management; nonfederally declared disasters.* All  
6 moneys transferred from par. (h) for grants to counties under s. 166.23, if federal  
7 disaster relief is not available, to assist individuals and local governments whose  
8 *disaster related* losses are not covered by insurance. All moneys transferred from par. (h) shall be  
9 credited to this appropriation, except that the unencumbered balance on June 30 of  
10 each year shall revert to the appropriation account under par. (h).

11 **SECTION 3.** 20.465 (3) (he) of the statutes is created to read:

12 20.465 (3) (he) *Emergency management; county emergency management.* All  
13 moneys transferred from par. (h) for all-hazard<sup>f</sup> county and local emergency  
14 management planning, training and exercises to enhance county and local  
15 emergency management capabilities. All moneys transferred from par. (h) shall be  
16 credited to this appropriation, except that the unencumbered balance on June 30 of  
17 each year shall revert to the appropriation account under par. (h).

18 **SECTION 4.** 20.465 (3) (hg) of the statutes is created to read:

19 20.465 (3) (hg) *Emergency management; statewide warnings and*  
20 *communications.* All moneys transferred from par. (h) for the development and  
21 maintenance of *management* statewide emergency warning and *systems* communications ~~capability~~. All  
22 moneys transferred from par. (h) shall be credited to this appropriation, except that  
23 the unencumbered balance on June 30 of each year shall revert to the appropriation  
24 account under par. (h).

25 **SECTION 5.** 20.465 (3) (hi) of the statutes is created to read:



**BILL****SECTION 5**

1           20.465 (3) (hi) *Emergency management; state emergency programs.* All moneys  
2 transferred from par. (h) for state all-hazard<sup>s</sup> emergency management planning,  
3 training and exercises ~~related to state support of local emergency management.~~ All  
4 moneys transferred from par. (h) shall be credited to this appropriation, except that  
5 the unencumbered balance on June 30 of each year shall revert to the appropriation  
6 account under par. (h).

7           **SECTION 6.** 20.465 (3) (hk) of the statutes is created to read:

8           20.465 (3) (hk) *Emergency management; collection of fees.* All moneys  
9 transferred from par. (h) for administrative expenses related to collection of  
10 emergency management fees under s. 610.30. All moneys transferred from par. (h)  
11 shall be credited to this appropriation, except that the unencumbered balance on  
12 June 30 of each year shall revert to the appropriation account under par. (h).

13           **SECTION 7.** 73.03 (56) of the statutes is created to read:

14           73.03 (56) To administer, audit and enforce the assessment and collection of  
15 fees under s. 610.30.

16           **SECTION 8.** 166.02 (2m) of the statutes is created to read:

17           166.02 (2m) "Disaster" means any natural, man-made, technological or civil  
18 emergency that causes damage of sufficient severity and magnitude to result in a  
19 declaration of a state of emergency by the president of the United States, the  
20 governor <sup>and</sup> of the county executive or, if the county does not have a county executive,  
21 ~~by~~ the chairperson of the county board.

22           **SECTION 9.** 166.02 (4) of the statutes is repealed and recreated to read:

23           166.02 (4) "Emergency management" means the preparation for, mitigation of,  
24 response to and recovery from disasters. "Emergency management" includes all of  
25 the following:

**BILL**

1 (a) Reducing the vulnerability of people and communities of this state to  
2 damage, injury or loss of life or property resulting from disasters or hostile military  
3 or paramilitary action.

4 (b) Preparing for the prompt and efficient response and recovery to protect lives  
5 and property affected by disasters.

6 (c) Rescuing, caring for and treating persons victimized or threatened by  
7 disasters.

8 (d) Responding to disasters using all systems, plans and resources necessary  
9 to preserve the health, safety and welfare of persons and property affected by the  
10 disaster.

11 (e) Recovering from disasters by providing for the rapid and orderly start of  
12 restoration and rehabilitation of persons and property affected by disasters.

13 (f) Providing an emergency management system that embodies all aspects of  
14 preparedness, response, recovery and mitigation.

15 (g) Assisting in the recognition, appraisal and mitigation of disasters that may  
16 be caused or aggravated by inadequate planning for, and regulation of, public and  
17 private facilities and land use.

18 **SECTION 10.** 166.02 (6) of the statutes is created to read:

19 166.02 (6) "Major disaster" means a disaster that will likely exceed local  
20 capabilities to respond in an adequate, timely manner and may require a broad range  
21 of state <sup>or</sup> ~~and~~ federal assistance. <sup>or both</sup>

22 **SECTION 11.** 166.23 of the statutes is created to read:

23 **166.23 Supplemental payments for emergency management and**  
24 **disaster assistance.** (1) The division shall provide money to a county emergency

## BILL

1 management agency from the appropriation accounts under s. 20.465 (3) (hc) and  
2 (he) only if the county emergency management agency does the following:

3 (a) In counties with a population of 30,000 or more, employs a person to work  
4 full-time, 40 hours per week, exclusively as the emergency management  
5 coordinator. That person would have no other duties for the county or the county  
6 emergency management agency.

7 (b) In counties with a population of less than 30,000, employs a person to work  
8 exclusively as the emergency management coordinator for at least 20 hours per  
9 week.

10 <sup>up to</sup> (2) From the appropriation under s. 20.465 (3) (he), the division <sup>may</sup> ~~shall~~ pay

11 ) \$35,000 annually to a county that employs a person to work exclusively as an  
12 emergency management coordinator for 40 hours per week. From the appropriation

13 under s. 20.465 (3) (he), the division <sup>may</sup> ~~shall~~ pay <sup>up to</sup> \$20,000 annually to a county that  
14 employs a person to work exclusively as an emergency management coordinator for  
15 at least 20 hours per week. (Insert 6-15)

16 (3) A county receiving a payment under sub. (2) shall use that payment, plus  
17 an amount equal to the average of the county general revenue funding provided to  
18 the county emergency management agency for the past three years or equal to the  
19 county general revenue funding provided to the county emergency management  
20 agency for the past fiscal year, whichever is lower, for the provision of county  
21 emergency management services. In this subsection, “funding provided to the  
22 county emergency management agency” does not include county moneys provided  
23 for the emergency telephone system under s. 146.70, emergency medical services  
24 under s. 146.55, law enforcement, criminal justice, public works and other programs

**BILL**

1 or services outside the responsibilities of emergency management agencies under ch.  
2 166.

3 (4) In this subsection, "total funds" means the county payment determined  
4 under sub. (3) plus the payment received under sub. (2) for the same calendar year.  
5 If the amount expended by the county emergency management agency in the  
6 calendar year for which a payment under sub. (2) was made is less than the total  
7 funds, the county shall pay to the state an amount equal to the difference between  
8 the total funds and the amount expended by the county emergency management  
9 agency. The payment to the state under this subsection may not exceed the amount  
10 paid to the county under sub. (2) for the calendar year for which the payment under  
11 sub. (2) was made.

12 (5) From the appropriation under s. 20.465 (3) (hk), the division <sup>may</sup> ~~shall~~ annually  
13 reimburse the department of revenue an amount not to exceed 60% of the amount  
14 in that appropriation account for the costs incurred by the department of revenue  
15 under ss. 73.03 (56) and 610.30. From the appropriation under s. 20.465 (3) (hk), the  
16 division ~~shall~~ <sup>may</sup> annually reimburse the commissioner of insurance an amount not to  
17 exceed 20% of the amount in that appropriation account for the costs incurred by the  
18 commissioner under ss. 601.415 (13) and 610.30. From the appropriation under s.  
19 20.465 (3) (hk), the division <sup>may</sup> ~~shall~~ annually reimburse insurers an amount not to  
20 exceed 20% of the amount in that appropriation account for the costs incurred by the  
21 insurers under s. 610.30 and under s. 631.36 (2) (a) (intro.), as it relates to fees  
22 collected under s. 610.30.

23 (6) The division shall promulgate rules for the allocation and use of funds from  
24 the appropriation accounts under s. 20.465 (3) (h), (hc), (he), (hg), (hi) and (hk) and  
25 for the administration of this section.

**BILL**

1           **SECTION 12.** 601.415 (13) of the statutes is created to read:

2           601.415 (13) EMERGENCY MANAGEMENT FEE COLLECTION. The commissioner shall  
3 cooperate with and, upon request, provide information to the department of revenue  
4 with respect to the department's supervision, auditing and enforcement of the  
5 emergency management fees collection program under s. 610.30.

6           **SECTION 13.** 610.30 of the statutes is created to read:

7           **610.30 Collection of emergency management fees.** (1) An insurer that  
8 issues or delivers in this state any of the following policies shall annually assess and  
9 collect from the policyholder of each such policy the fee specified:

10           (a) A motor vehicle insurance policy, a fee of \$1.

11           (b) A residential property insurance policy, a fee of \$4.

12           (c) A commercial or business property insurance policy, a fee of \$6.

13           (2) A fee assessed under sub. (1) shall be in addition to, and shall not be  
14 considered a part of, any premium payable for coverage under the policy. As provided  
15 in s. 631.36 (2), an insurer may cancel a policy specified in sub. (1) (a) to (c) for  
16 nonpayment of a fee assessed under sub. (1).

17           (3) Insurers collecting fees under sub. (1) shall remit all fees collected to the  
18 department of revenue. Upon notice to and approval of the department of revenue,  
19 an insurer may remit the fees on a monthly, quarterly, semiannual or annual basis.

20           (4) An insurer that is required to collect a fee under sub. (1) shall maintain at  
21 its principal place of business complete and detailed records relating to the collection  
22 of the fees and shall make the records available to the department of revenue and the  
23 commissioner upon request.

24           **SECTION 14.** 631.36 (2) (a) (intro.) of the statutes is amended to read:



Insert 6-15

under this subsection

no #

made

(2) From the appropriation under s.20.465(3)(he), the division shall may pay up to \$35,000 annually to a county that employs a person to work exclusively as an emergency management coordinator for 40 hours per week. From the appropriation under s.20.465(3)(he), the division shall may pay up to \$20,000 annually to a county that employs a person to work exclusively as an emergency management coordinator for at least 20 hours per week. Any payments made to a county ~~for support of an emergency management coordinators position, either full or part time~~ shall be in accordance with the ~~policy and~~ provisions of the annual plan of work and ~~grant agreement as~~ negotiated between the county and the division.

Not Under scored!

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

LRB-1320/3dn  
RPN ~~1320/3dn~~:cmh:jf  
*ef*

This redraft is based on notes on the draft that I received from Darren and from discussions with Diane Kleiboer, DMA, about those notes.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511



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

LRB-1320/3dn  
RPN:cmh:km

May 4, 1999

This redraft is based on notes on the draft that I received from Darren and from discussions with Diane Kleiboer, DMA, about those notes.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 5/5/99

To: Senator Moore

Relating to LRB drafting number: LRB-1320

**Topic**

Emergency management and disaster relief fund

**Subject(s)**

Military Affairs

1. **JACKET** the draft for introduction

in the Senate or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert P. Nelson, Senior Legislative Attorney  
Telephone: (608) 267-7511