

2001 DRAFTING REQUEST

Bill

Received: 09/27/2000

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 7-0371

By/Representing: Uecker

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Military Affairs - emerg govt

Extra Copies:

Pre Topic:

DOA:.....Uecker -

Topic:

Emergency management assistance compact appropriations

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>
/1	nelsorp1 10/04/2000	csicilia 10/05/2000	pgreensl 10/06/2000	_____	lrb docadmin 10/06/2000		State
/2	nelsorp1 10/16/2000	csicilia 10/17/2000	martykr 10/17/2000	_____	lrb docadmin 10/17/2000		State
/3	nelsorp1 10/18/2000	csicilia 10/19/2000	pgreensl 10/24/2000	_____	lrb docadmin 10/24/2000		State
/4	nelsorp1 02/12/2001	csicilia 02/12/2001	pgreensl 02/12/2001	_____	lrb docadmin 02/12/2001		State

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Handwritten notes: 1/4 is 2/12 01, 2/12 pg

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FE Sent For:

13 cjs 10/19
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10/20
pg

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1/2 cjs 10/16
oo

J 10
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<END>

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Emergency management assistance compact appropriations

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1?	nelsorp1	1 g/s 10/5 oo	P/G 10/5	10/5 PG K/P			

FE Sent For:

<END>



Date: September 25, 2000
To: Steve Miller, LRB
From: Deborah Uecker, DOA
267-0371
Subject: Department of Military Affairs Statutory Language

I am forwarding statutory language changes that the Department of Military Affairs (DMA) included in its budget submission.

- ✓ 1. **Emergency Management Assistance Compacts.** Create two appropriations for interstate military assistance and emergency assistance to allow the receipt of funds from other states to reimburse units or members of the Wisconsin national guard or the division of emergency management to provide assistance to other states.
- ✓ 2. **Sum Sufficient for Extended Emergency Management Liabilities.** Create a GPR sum sufficient appropriation to defray the costs incurred to reimburse local government units for the costs of worker's compensation, indemnification of tort liability and the destruction of equipment as the result of emergency response efforts.
- ✓ 3. **Reimbursement for Responses to Potential Hazardous Materials Releases.** Allow an emergency response team to seek reimbursement from a responsible party where a team responded to a potential release even though no actual release occurred. Convert LRBs0150/1, Senate Substitute Amendment 1 to 1999 Senate Bill 208 as the budget draft.
- ✓ 4. **Level A Emergency Response Teams.** Modify current statutory language to remove the requirement that at least one Level A emergency response team be located in La Crosse County. Require that Level A team members shall meet the highest standards for a hazardous materials responder and that all teams have members trained in appropriate speciality areas. Require that an annual financial report be filed by each team with the adjutant general each year.
- ✓ 5. **Consolidate Appropriations within the Emergency Management Program.** Consolidate 20.465(3)(dh) Hazardous substance emergency response; administration with the general program operations appropriation of the division of emergency management, 20.465(3)(a).
- ✓ 6. **Clarification of Eligible Schools for the National Guard Tuition Grant Program.** Allow the department to authorize grants to students attending institutions that meet the U.S. Department of Education eligibility requirements for Pell Grants and other federal student assistance programs and remove language referencing schools accredited by rule of the Higher Educational Aids Board.
- ✓ 7. **Level B/Teams Equipment Appropriation** Change 20.465(3)(dp) Emergency response equipment appropriation to a biennial appropriation.

Thank you for your help.

The department requests modification of a variety of statutory revisions related to its emergency management programs as outlined below:

1. Appropriation Provisions: Emergency Management Assistance Compacts

Request:

DMA requests enactment of appropriation language similar to the following:

Create the following sections:

- 20.465(1)(i.) *Interstate military assistance.* All moneys received from other states and territories to reimburse pay, allowances, and other costs incurred when units or members of the Wisconsin national guard are activated in state status to provide assistance to another state in accordance with an emergency management compact pursuant to §166.30(1)(c) and §166.30(9).
- 20.465 (3)(h) *Interstate emergency assistance.* All moneys received from other states and territories to reimburse costs incurred by the division of emergency management to provide assistance to another state in accordance with an emergency management compact pursuant to §166.30(9).

Discussion:

1999 Wisconsin Act 26 authorizes the State of Wisconsin to participate in emergency assistance compacts with other states to share resources in situations that may exceed any single state's capacity to respond. Under the act, emergency management resources and the use of the Wisconsin National Guard can be provided to other states, and vice versa. Generally, the state requesting assistance is expected to reimburse contributing states for the costs incurred. The act provided no appropriation authority to receive or expend these reimbursements. (This issue arose when the State of Montana contacted the department regarding the potential deployment of certain Wisconsin National Guard personnel to Montana for firefighting purposes.) As a result of this omission, the department now requests the creation of two continuing PRO appropriations that could be used under such circumstances. The first is intended to be used when the Wisconsin National Guard renders interstate assistance, the second when emergency management or other civilian resources are used.

2. Sum Sufficient for Extended Emergency Management Liabilities

Request:

Create the following section:

- 20.465(3)(b) *Emergency management contingencies.* A sum sufficient to defray the costs incurred to reimburse local governmental units for the costs of worker's compensation, indemnification of tort liability and the destruction of equipment pursuant to §166.03(8)(f).

NOTE: A corresponding change to the statutory reference in §166.03(8)(f) would also be required.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0547/1

RPN:Y:....

[Handwritten signature]
yjs

DOA:.....Uecker - Emergency management assistance compact appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

HEAD

do not get

1 AN ACT relating to: the budget.

VETERANS AND MILITARY AFFAIRS

Analysis by the Legislative Reference Bureau

The state has joined ~~and ratified~~ the emergency management assistance compact, whose purpose is to provide assistance to a participating member of the compact when the governor of that state or territory declares an emergency. Under the compact, each member of the compact formulates plans for interstate cooperation in the event of an emergency. The state responding to the request for assistance under the compact is required to take any action that is necessary to provide resources necessary to respond to the emergency, except that the state may withhold resources to the extent necessary to provide protection for that state. The compact requires the state that received the assistance under the compact to reimburse a state providing assistance for any losses, damages, and expenses incurred in providing the assistance.

This bill creates program revenue continuing appropriations for moneys received as reimbursement for assistance provided by the Wisconsin national guard and the division of emergency management under the emergency management assistance compact.

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

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

1 SECTION 1. 20.465 (1) (i) of the statutes is created to read:

2 20.465 (1) (i) *Interstate military assistance.* All moneys received under s.
3 166.30 (9) as reimbursement from other states and territories for any losses,
4 damages, or expenses incurred when units or members of the Wisconsin national
5 guard are activated in state status to provide assistance under s. 166.30.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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

7 20.465 (3) (h) *Interstate emergency assistance.* All moneys received under s.
8 166.30 (9) as reimbursement from other states and territories for any losses,
9 damages, or expenses incurred when the division of emergency management
10 provides assistance under s. 166.30.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)

to pay the costs of providing that assistance

Nelson, Robert P.

From: Dykman, Peter
Sent: Saturday, October 14, 2000 4:24 PM
To: Nelson, Robert P.
Subject: states and territories but not districts and commonwealths



01-0547/1

Section 166.30 covers states and territories and districts and commonwealths, but the analysis and text cover states and territories but not districts and commonwealths. It raises the implication that reimbursements from D.C. and Puerto Rico go into the general fund.

Attorney Peter Dykman
Wisconsin Legislative Reference Bureau
100 N. Hamilton Street, Fifth Floor
P.O. Box 2037
Madison, Wisconsin 53701-2037
Tel: (608) 266-7098
Fax: (608) 264-8522
Email: Peter.Dykman@legis.state.wi.us

Good ✓



1 - Note

DOA:.....Uecker - Emergency management assistance compact appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

territory, commonwealth, or district

Commonwealth of Puerto Rico, or District of Columbia

Do Not Get

1 AN ACT...; relating to: the budget.

Chief executive officer

Analysis by the Legislative Reference Bureau

VETERANS AND MILITARY AFFAIRS

The state has joined the emergency management assistance compact, whose purpose is to provide assistance to a participating member of the compact when the ~~governor~~ of that state or territory declares an emergency. Under the compact, each member of the compact formulates plans for interstate cooperation in the event of an emergency. The state responding to the request for assistance under the compact is required to take any action that is necessary to provide resources necessary to respond to the emergency, except that the state may withhold resources to the extent necessary to provide protection for that state. The compact requires the state that received the assistance under the compact to reimburse a state providing assistance for any losses, damages, and expenses incurred in providing the assistance.

This bill creates program revenue continuing appropriations for moneys received as reimbursement for assistance provided by the Wisconsin national guard and the division of emergency management under the emergency management assistance compact.

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

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

1 SECTION 1. 20.465 (1) (i) of the statutes is created to read:

2 20.465 (1) (i) *Interstate military assistance.* All moneys received under s.
3 166.30 (9) as reimbursement from other states and territories ^{*, the Commonwealth of Puerto Rico, and*} for any losses,
4 damages, or expenses incurred when units or members of the Wisconsin national
5 guard are activated in state status to provide assistance under s. 166.30, to pay the
6 costs of providing that assistance.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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

8 20.465 (3) (h) *Interstate emergency assistance.* All moneys received under s.
9 166.30 (9) as reimbursement from other states and territories for any losses,
10 damages, or expenses incurred when the division of emergency management
11 provides assistance under s. 166.30, to pay the costs of providing that assistance.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 (END)

D-Note

This redraft clarifies that moneys received from the Commonwealth of Puerto Rico and the District of Columbia also go into these newly-created appropriation accounts.

RPN

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0547/2dn
RPN:ej:s:km

October 17, 2000

This redraft clarifies that moneys received from the Commonwealth of Puerto Rico and the District of Columbia also go into these newly-created appropriation accounts.

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

Nelson, Robert P.

From: Uecker, Deborah
Sent: Tuesday, October 17, 2000 4:07 PM
To: Nelson, Robert P.
Subject: Modification to 0547/1 Emergency management assistance compact appropriations

Bob, please modify the language in 20.465(1)(h) Intergovernmental services to allow DMA to receive funds for either the National Guard or the division of emergency management when they provide services to other states.

Deborah A. Uecker

Executive Policy and Budget Analyst
State Budget Office
Department of Administration
101 E. Wilson Street, 10th Floor
deborah.uecker@doa.state.wi.us
Phone: (608) 267-0371
Fax: (608) 267-0372



V-Note

DOA:.....Uecker - Emergency management assistance compact appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Do Not GEN

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

VETERANS AND MILITARY AFFAIRS

The state has joined the emergency management assistance compact, whose purpose is to provide assistance to a participating member of the compact when the chief executive officer of that state or territory, Commonwealth of Puerto Rico, or District of Columbia declares an emergency. Under the compact, each member of the compact formulates plans for interstate cooperation in the event of an emergency. The state, territory, commonwealth, or district responding to the request for assistance under the compact is required to take any action that is necessary to provide resources necessary to respond to the emergency, except that the state, territory, commonwealth, or district may withhold resources to the extent necessary to provide protection for that state, territory, commonwealth, or district. The compact requires the state, territory, commonwealth, or district that received the assistance under the compact to reimburse a state, territory, commonwealth, or district providing assistance for any losses, damages, and expenses incurred in providing the assistance.

This bill ~~creates program revenue continuing~~ ^{provides} appropriations for moneys received as reimbursement for assistance provided by the Wisconsin national guard and the division of emergency management under the emergency management assistance compact and allows the guard and the division to use those moneys to provide assistance under the compact.

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

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

SECTION 1. 20.465 (1) (i) of the statutes is created to read:

20.465 (1) (i) *Interstate military assistance.* All moneys received under s. 166.30 (9) as reimbursement from other states and territories, the Commonwealth of Puerto Rico, and the District of Columbia for any losses, damages, or expenses incurred when units or members of the Wisconsin national guard are activated in state status to provide assistance under s. 166.30, to pay the costs of providing that assistance.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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

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****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)

The amounts in the schedule to provide assistance under s. 166.30.

166.30
- 8

166.30

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0547/3ins
RPN:cjs:km

1 insert 1-~~10~~⁸:

2 SECTION 1. 20.465 (1) (h) of the statutes is amended to read:

3 20.465 (1) (h) *Intergovernmental services*. The amounts in the schedule to
4 provide services to local units of government for fire, crash and rescue emergencies
5 and to provide assistance under s. 166.30. All moneys received from local units of
6 government for services provided for fire, crash, and rescue emergencies and as
7 reimbursement from other states and territories, the Commonwealth of Puerto Rico,
8 and the District of Columbia for any losses, damages, or expenses incurred when
9 units or members of the Wisconsin national guard are activated in state status to
10 provide assistance under s. 166.30 shall be credited to this appropriation.

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9.

D-Note

9 I had to create a paragraph
under s. 20.465 (3) to effectuate
your intent because s. 20.465 (1)
only applies to national guard
operations.

RPN

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0547/3dn
RPN:cjs:pg

October 23, 2000

I had to create a paragraph under s. 20.465 (3) to effectuate your intent because s. 20.465 (1) only applies to national guard operations.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0547/3
RPN:cjs:pg

DOA:.....Uecker - Emergency management assistance compact
appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

VETERANS AND MILITARY AFFAIRS

The state has joined the emergency management assistance compact, whose purpose is to provide assistance to a participating member of the compact when the chief executive officer of that state or territory, Commonwealth of Puerto Rico, or District of Columbia declares an emergency. Under the compact, each member of the compact formulates plans for interstate cooperation in the event of an emergency. The state, territory, commonwealth, or district responding to the request for assistance under the compact is required to take any action that is necessary to provide resources necessary to respond to the emergency, except that the state, territory, commonwealth, or district may withhold resources to the extent necessary to provide protection for that state, territory, commonwealth, or district. The compact requires the state, territory, commonwealth, or district that received the assistance under the compact to reimburse a state, territory, commonwealth, or district providing assistance for any losses, damages, and expenses incurred in providing the assistance.

This bill provides appropriations for moneys received as reimbursement for assistance provided by the Wisconsin national guard and the division of emergency management under the emergency management assistance compact and allows the guard and the division to use those moneys to provide assistance under the compact.

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4 and to provide assistance under s. 166.30. All moneys received from local units of
5 government for services provided for fire, crash, and rescue emergencies and as
6 reimbursement from other states and territories, the Commonwealth of Puerto Rico,
7 and the District of Columbia for any losses, damages, or expenses incurred when
8 units or members of the Wisconsin national guard are activated in state status to
9 provide assistance under s. 166.30 shall be credited to this appropriation.

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

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12 to provide assistance under s. 166.30. All moneys received under s. 166.30 (9) as
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14 and the District of Columbia for any losses, damages, or expenses incurred when the
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Do Not

DOA:.....Uecker - Emergency management assistance compact appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

*Do NOT
GEN*

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6 reimbursement from other states and territories ~~the Commonwealth of Puerto Rico,~~
7 and the District of Columbia for any losses, damages, or expenses incurred when
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12 to provide assistance under s. 166.30. All moneys received under s. 166.30 (9) as
13 reimbursement from other states and territories ~~the Commonwealth of Puerto Rico,~~
14 and the District of Columbia for any losses, damages, or expenses incurred when the
15 division of emergency management provides assistance under s. 166.30 shall be
16 credited to this appropriation.

17 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)

D-Note

9 This draft removes the references to Puerto Rico and the District of Columbia because the definition of "state" in ch. 990 includes those political subdivisions.
RPN

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0547/4dn
RPN:cjs:pg

February 12, 2001

This draft removes the references to Puerto Rico and the District of Columbia because the definition of "state" in ch. 990 includes those political subdivisions.

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



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0547/4

RPN:cjs:pg

DOA:.....Uecker - Emergency management assistance compact
appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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