

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 - haz materials

Extra Copies:

Pre Topic:

DOA:.....Uecker -

Topic:

Remove requirement that a level A team be located in La Crosse County

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 10/13/2000	jdye 10/13/2000	rschluet 10/13/2000	_____	lrb_docadmin 10/13/2000		S&L
/2	nelsorp1 10/16/2000	jdye 10/16/2000	pgreensl 10/16/2000	_____	lrb_docadmin 10/16/2000		S&L
/3	nelsorp1 10/18/2000	jdye 10/19/2000	pgreensl 10/24/2000	_____	lrb_docadmin 10/24/2000		S&L

FE Sent For:

<END>

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/1	nelsorp1 10/13/2000	jdyer 10/13/2000	rschluet 10/13/2000	<u> </u> 10/20	lrb_docadmin 10/13/2000		S&L
/2	nelsorp1 10/16/2000	jdyer 10/16/2000	pgreensl 10/16/2000	<u> </u> 10/19 P61	lrb_docadmin 10/16/2000		S&L
FE Sent For:		13 10/19 jld	10/19 P61	RS.			

<END>

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FE Sent For:		1/2 10/16 jld	PG 10/16	<END>			

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1/1	nelsorp1	1 10/13 jld	 10.13.00	 KM 10.13.00			

FE Sent For:

<END>

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY



Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

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.

4. Provisions Related to Level A Emergency Response Teams

Request:

Modify §166.215(1) as follows:

- 166.215(1) Beginning July, 2001, the division shall contract with no more than 9 regional emergency response teams, one of which shall be located in La Crosse County. Each regional emergency response team shall assist in the emergency response to level A releases in a region of the state designated by the division. The division shall contract with at least one regional emergency response team in each area designated under §166.03(2)(b)1. The division may contract only with a local agency, as defined in s. 166.22(1)(c), under this subsection. A member of a regional emergency response team shall meet the highest standards for a hazardous materials specialist responder in 29 CFR 1910.120(q)(6)(iv) and national fire protection association standards NFPA 471 and 472, as amended. Regional emergency response teams shall have members trained in each appropriate specialty area. Payments to regional response teams under this subsection shall be made from the appropriation account under §20.465(3)(dd). Regional emergency response teams that receive funding under this subsection shall file an annual financial report with the adjutant general, in a format prescribed by the department no later than 90 days after the end of the sponsoring local agency's fiscal year.

Discussion:

1999 Wisconsin Act 9 added the language requiring the addition of a regional response team beginning July 1, 2001. The division entered into a contract with the City of La Crosse to provide regional response coverage as of July 1, 2000. As such, we believe we have fulfilled the legislative intent of this provision. However, we believe it is no longer appropriate to have the statutes specify that one team be located in La Crosse County, as the section is silent on the location of all other teams. The statute could become problematic in the future if the City of La Crosse chose to no longer participate in the program. The changes regarding training standards for emergency responders are technical changes to ensure consistency with current hazardous material response team practices and training requirements. The requirement for an annual financial report is intended to provide the department with information to respond to numerous requests it receives regarding the ultimate expenditure of the funds appropriated for this program. We also note that a nonstatutory provision was inserted into 1999 Wisconsin 9 requesting that the joint legislative committee on audit perform a financial and performance audit of the program. Because the language was permissive, the committee did not elect to do so.

5. Consolidate Appropriations within the Emergency Management Program

Request:

Modify the following appropriation definition:

- 20.465(3) EMERGENCY MANAGEMENT SERVICES. (a) General program operations. The amounts in the schedule for the general program operations of the division of emergency management including, but not limited to, central administrative support services by the department and hazardous substance emergency response activities under §166.215(1).

Nelson, Robert P.

From: Bendrick, Steven
Sent: Friday, October 06, 2000 12:53 PM
To: Uecker, Deborah
Cc: Nelson, Robert P.
Subject: RE: DMA budget language changes

242-3155
Randy Milsep
242-3072

We have complied with the legislative intent by contracting with the City of LaCrosse to provide Level A services. Now that we have done so, we believe it is inappropriate to have the location of one learn specified by statute, when none of the others are. It could also become very problematic should the City of LaCrosse ever wish to terminate the contract.

The substitution of "responder" for "specialist" was intended to ensure consistency with 29 CFR 19.10 and the cited NAFPA codes.

10/9 a.m. Randy M.
will send me additional
info. regarding
"responders"

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

From: Uecker, Deborah
Sent: Friday, October 06, 2000 11:15 AM
To: Bendrick, Steven
Cc: Nelson, Robert P.
Subject: FW: DMA budget language changes

Steve, could you help explain the changes you are requesting? "responders"

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

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

From: Nelson, Robert P.
Sent: Friday, October 06, 2000 10:20 AM
To: Uecker, Deborah
Subject: RE: DMA budget language changes

I have a problem with the extra language in the request regarding La Crosse. I don't understand why the change from specialist to responder and having members trained in specialty areas.

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

From: Uecker, Deborah
Sent: Friday, October 06, 2000 9:10 AM
To: Nelson, Robert P.
Subject: RE: DMA budget language changes

Just wanted to make sure. Thanks.

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



CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DEPARTMENT OF MILITARY AFFAIRS

Office of the Adjutant General
State Legal Counsel
2400 Wright Street
Madison, WI 53704

To: Bob Nelson, Legislative Reference Bureau

From: *Rwm*
Randi Wind Milsap, Legal Counsel

Date: October 10, 2000

RE: DMA Biennial Budgetary Language

Pursuant to our telephone conversation on October 9, 2000, attached please find a copy of NFPA 472 entitled Professional Competence of Responders to Hazardous Materials Incidents. This standard identifies the minimum levels of competencies/training required for responders to hazardous materials incidents.

As indicated in NFPA 472, there is a hierarchy of responder competencies depending on the type of response required. Generally, most first responders (i.e. EMS, law enforcement, volunteer fire departments) are trained to the Awareness Level or Operational Level. Under §166.21 (2m) (e) Stats, members of local emergency response teams are only required to meet the minimum standards for hazardous materials technicians under NFPA 472.

Given the complexity of a level A hazardous material response, members of the regional response teams are required to receive advanced training over and above the minimum standards for the hazardous materials technician in order to provide specialized expertise, support and oversight to the all responders at the incident. These specialized training areas include: a) tank car specialty; b) cargo tank specialty; c) intermodal tank specialty; d) flammable liquids bulk storage specialty and e) flammable gases bulk storage specialty. Accordingly, the language proposed in the Department's biennial budget reflects the current practice of the regional response teams which require the highest standard for a hazardous materials responder and that each team shall have members trained in each appropriate specialty area.

If you have any further questions or concerns, please do not hesitate to contact me.



Fix request sheet
Sdn

Jld

DOA:.....Uecker - Remove requirement that a level A team be located in La Crosse county

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ^{do not gen} ...; relating to: the budget.

(division)

Analysis by the Legislative Reference Bureau

VETERANS AND MILITARY AFFAIRS

which are

Under current law, beginning July 1, 2001, the division of emergency management in DMA is required to contract with no more than nine regional emergency response teams, one of which must be located in La Crosse County. Regional emergency response teams respond to level A releases of hazardous substances, the most serious releases. Before July 1, 2001, the division is required to contract with only eight regional emergency response teams and is not required to contract with one located in La Crosse County. This bill requires the division to contract with no more than nine regional emergency response teams but removes the requirement that one of the teams be located in La Crosse County. The bill also requires the regional emergency response teams to have members that are trained in each appropriate specialty area under the national fire protection association standard and to file annual financial reports with the adjutant general.

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:

SECTION 1. 166.215 (1) of the statutes is amended to read:

166.215 (1) ~~Beginning July 1, 2001, the~~ The division shall contract with no more than 9 regional emergency response teams, ~~one of which shall be located in La Crosse County.~~ Each regional emergency response team shall assist in the emergency response to level A releases in a region of this state designated by the division. The division shall contract with at least one regional emergency response team in each area designated under s. 166.03 (2) (b) 1. The division may only contract with a local agency, as defined in s. 166.22 (1) (c), under this subsection. A member of a regional emergency response team shall meet the highest standards for a hazardous materials specialist responder in 29 CFR 1910.120 (q) (6) (iv) and ~~national fire protection association~~ National Fire Protection Association standards NFPA 471 and 472. Regional emergency response teams shall have members that are trained in each appropriate specialty area under national fire protection association standard NFPA 472. Payments to regional emergency response teams under this subsection shall be made from the appropriation account under s. 20.465 (3) (dd). Regional emergency response teams that receive funding under this section shall file an annual financial report with the adjutant general in a format prescribed by the department no later than 90 days after the end of the fiscal year of the team's sponsoring public agency.

of military affairs

History: 1991 a. 104; 1993 a. 253; 1995 a. 13; 1997 a. 27, 41; 1999 a. 9.

(END)

Nelson, Robert P.

From: Dykman, Peter
Sent: Saturday, October 14, 2000 12:35 PM
To: Nelson, Robert P.
Subject: Questions on 01-0550/1



01-0550/1

I have two questions about this budget draft.

The analysis states that before July 1, 2001, the division is required to contract with only eight teams. I can't find that in the statutes. In the printed 1997-98 statutes it is no fewer than 7 nor more than 9. Do you need to provide information about the pre July 2001 law? If so, is that information accurate, especially in regard to not mentioning the minimum and maximum numbers?

The underscored sentence on page two, lines 12 to 14 is unclear to me. Do all members have to have this training, or does one member have to have all of this training, or is something else intended?

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



508a (01/16)
State of Wisconsin
2001 - 2002 LEGISLATURE

2
LRB-0550/2
RPN:jld:rs

D-Note

DOA:.....Uecker - Remove requirement that a level A team be located in La Crosse County

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

biennial
The 1999 budget act, 1999 Wisconsin Act 9, beginning on July 1, 2001, requires the division to contract with nine regional emergency response teams fewer than seven nor

prior to

adj gen

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

was

**Analysis by the Legislative Reference Bureau
VETERANS AND MILITARY AFFAIRS**

Under current law, beginning July 1, 2001, the division of emergency management in DMA (division) is required to contract with no more than nine regional emergency response teams, one of which must be located in La Crosse County. Regional emergency response teams respond to level A releases of hazardous substances, which are the most serious releases. Before July 1, 2001, the division is required to contract with only eight regional emergency response teams and is not required to contract with one located in La Crosse County. This bill requires the division to contract with no more than nine regional emergency response teams but removes the requirement that one of the teams be located in La Crosse County. The bill also requires the regional emergency response teams to have members that are trained in each appropriate specialty area under the National Fire Protection Association standard and to file annual financial reports with the adjutant general.

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. 166.215 (1) of the statutes is amended to read:

2 166.215 (1) ~~Beginning July 1, 2001, the~~ The division shall contract with no
 3 more than 9 regional emergency response teams, ~~one of which shall be located in La~~
 4 ~~Crosse County.~~ Each regional emergency response team shall assist in the
 5 emergency response to level A releases in a region of this state designated by the
 6 division. The division shall contract with at least one regional emergency response
 7 team in each area designated under s. 166.03 (2) (b) 1. The division may only contract
 8 with a local agency, as defined in s. 166.22 (1) (c), under this subsection. A member
 9 of a regional emergency response team shall meet the highest standards for a
 10 hazardous materials specialist responder in 29 CFR 1910.120 (q) (6) (iv) and ~~national~~
 11 ~~fire protection association~~ National Fire Protection Association standards NFPA 471
 12 and 472. Regional emergency response teams shall have ^{at least one} ~~members~~ ^{is} ~~that are~~ trained
 13 in each ^{of the} appropriate specialty area^s under National Fire Protection Association
 14 standard NFPA 472. Payments to regional emergency response teams under this
 15 subsection shall be made from the appropriation account under s. 20.465 (3) (dd).
 16 Regional emergency response teams that receive funding under this section shall file
 17 an annual financial report with the adjutant general in a format prescribed by the
 18 department of military affairs no later than 90 days after the end of the fiscal year
 19 of the team's sponsoring public agency.

20 (END)

D-Note

This redraft clarifies the requirement of the regional emergency response teams to have members trained in the specialty areas and explains current law ~~more~~ correctly in the analysis.

RPN

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0550/2dn
RPN:jld:pg

October 16, 2000

This redraft clarifies the requirement of the regional emergency response teams to have members trained in the specialty areas and explains current law correctly in the analysis.

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 4:20 PM
To: Nelson, Robert P.
Subject: Modification to 0550/1 Remove requirement that a level A team be located in La Crosse

Bob, please change the draft so the language requiring a La Crosse team stays in the statutes.

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



5804 10/17

DOA:.....Uecker - Remove requirement that a level A team be located in La Crosse County

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

meet the highest standards required under federal law and the National Fire Protection Association and that

do not gen

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

Analysis by the Legislative Reference Bureau

VETERANS AND MILITARY AFFAIRS

Under current law, prior to July 1, 2001, the division of emergency management in DMA (division) was required to contract with no fewer than seven nor more than nine regional emergency response teams. The 1999 biennial budget act, 1999 Wisconsin Act 9, requires the division, beginning on July 1, 2001, to contract with nine regional emergency response teams, one of which must be located in La Crosse County. Regional emergency response teams respond to level A releases of hazardous substances, which are the most serious releases. This bill requires the division to contract with no more than nine regional emergency response teams but removes the requirement that one of the teams be located in La Crosse County. The bill also requires the regional emergency response teams to have members that are trained in each appropriate specialty area under the National Fire Protection Association standard and to file annual financial reports with the adjutant general.

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:

The bill also requires regional emergency response teams

of the

NO #

1 SECTION 1. 166.215 (1) of the statutes is amended to read:

2 166.215 (1) ~~Beginning July 1, 2001, the~~ *plain text* The division shall contract with no

3 more than 9 regional emergency response teams, ~~one of which shall be located in La~~ *plain text*

4 ~~Crosse County~~ *plain text* Each regional emergency response team shall assist in the

5 emergency response to level A releases in a region of this state designated by the

6 division. The division shall contract with at least one regional emergency response

7 team in each area designated under s. 166.03 (2) (b) 1. The division may only contract

8 with a local agency, as defined in s. 166.22 (1) (c), under this subsection. A member

9 of a regional emergency response team shall meet the highest standards for a

10 hazardous materials specialist responder in 29 CFR 1910.120 (q) (6) (iv) and national

11 ~~fire protection association~~ National Fire Protection Association standards NFPA 471

12 and 472. Regional emergency response teams shall have at least one member that

13 is trained in each of the appropriate specialty areas under National Fire Protection

14 Association standard NFPA 472. Payments to regional emergency response teams

15 under this subsection shall be made from the appropriation account under s. 20.465

16 (3) (dd). Regional emergency response teams that receive funding under this section

17 shall file an annual financial report with the adjutant general in a format prescribed

18 by the department of military affairs no later than 90 days after the end of the fiscal

19 year of the team's sponsoring public agency.

20 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0550/3

RPN:jld:pg

DOA:.....Uecker – Remove requirement that a level A team be located in La Crosse County

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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9 emergency response team shall meet the highest standards for a hazardous
10 materials ~~specialist responder~~ in 29 CFR 1910.120 (q) (6) (iv) and ~~national fire~~
11 ~~protection association~~ National Fire Protection Association standards NFPA 471
12 and 472. Regional emergency response teams shall have at least one member that
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14 Association standard NFPA 472. Payments to regional emergency response teams
15 under this subsection shall be made from the appropriation account under s. 20.465
16 (3) (dd). Regional emergency response teams that receive funding under this section
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18 by the department of military affairs no later than 90 days after the end of the fiscal
19 year of the team's sponsoring public agency.

20

(END)