

2003 DRAFTING REQUEST

Bill

Received: 07/03/2003

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: Tom

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Munis - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Darling@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Reimbursement of cities and villages for fire calls on state highways

Instructions:

See Attached. Companion to -2576. Tom, and Sarah in Rep. Wasserman's office are working on this together, so this draft contains a copy of the -2576 bill file. Tom saw the -2576 d-note, and said the draft is fine as is.

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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/1			jfrantze 07/03/2003	_____	amentkow 07/03/2003	amentkow 07/03/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

*At
intro.*

<END>

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FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **04/09/2003**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Sheldon Wasserman (608) 266-7671**

By/Representing: **Sarah**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Wasserman@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Reimbursement of villages for fire calls on state highways

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>
/?							S&L
/1	mshovers 05/09/2003	kgilfoy 05/09/2003	rschluet 05/12/2003		sbasford 05/12/2003		

FE Sent For:

2003 DRAFTING REQUEST

Bill

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Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Sheldon Wasserman (608) 266-7671

By/Representing: Sarah

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Munis - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Wasserman@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Reimbursement of villages for fire calls on state highways

Instructions:

See Attached.

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11 MES 5/9/03							
FE Sent For:							
-12-3 <END>							

Shovers, Marc

From: Osterberg, Sarah
Sent: Tuesday, April 15, 2003 1:40 PM
To: Shovers, Marc
Cc: Hoge, Rebecca (Legislature); Gustafson, Andrew
Subject: drafting request

Hi, Marc,

Our office received a call from the Village of River Hills in Rep. Wasserman's district last year, relating to DOT's decision to discontinue reimbursing villages for professional fire department calls on state highways. DOT had previously done so, but figured out that the statutes exclude villages from having to be reimbursed.

Sheldon would like a bill drafted to include villages in the list of entities that should be reimbursed for such calls under law. Please contact me with any questions.

Thanks!

Sarah

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

From: Gustafson, Andrew
Sent: Thursday, September 26, 2002 3:58 PM
To: Osterberg, Sarah
Subject: FW: Legislative Council, Atty Inquiry

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

From: Moss, Richard
Sent: Wednesday, September 25, 2002 2:46 PM
To: Gustafson, Andrew
Cc: Schnacky, Scott
Subject: FW: Legislative Council, Atty Inquiry

Regarding our discussion about the Fire Calls program: Attached is a memo I sent to Phil Cardis at Leg. Council. The Word attachment includes the 2-sided form (the first 2 pages of the attachment) and the cover letter.

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

From: Moss, Richard
Sent: Tuesday, August 20, 2002 4:45 PM
To: Cardis, Philip
Cc: Maassen, Joe; Vieth, David; Schnacky, Scott; Corbin, John
Subject: FW: Legislative Council, Atty Inquiry

I am in charge of the fire calls program and am attaching the letter and newest form we use for the program. The letter and form were mailed out with the local aids package to Wisconsin municipalities in the fall of 2000. We also send out forms directly to those using the program. By asking how we "determine if a municipal filing is authorized," I think you are asking how we determine if the claim is appropriate for payment. The form should be completely filled out. The purpose of the fire call should be one of the three types authorized for payment and the appropriate box checked. By 60.557(2), 61.13(8) and 62.13(8) Wisconsin Statutes, we are only authorized to pay the municipalities if the right type of fire department was used. This means that a town served by any type of fire department, a village served by a volunteer department, or a city served by a combination of a paid and volunteer fire department is eligible for payment. No other type of fire department for each respective type of municipality is eligible for payment. I mention these last points because it may be possible that the legislative inquiry may be in response to a recent set of interactions I had with the North Shore Fire Department near Milwaukee. I stressed to its representatives that WisDOT could not authorize payment for North Shore's fire call services to village municipalities because North Shore is a combination fire department and the statutes require that fire call services to villages be provided by volunteer fire departments in order to be eligible for state payments.



DT1725.doc

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

From: Corbin, John
Sent: Monday, August 19, 2002 5:33 PM
To: Moss, Richard
Cc: Cardis, Philip; Maassen, Joe; Meinholz, Cathy
Subject: RE: Legislative Council, Atty Inquiry

Rick, I'm told that you're the resident expert in this area. For my edification, please include me as a cc in your response. Thanks.

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

From: Maassen, Joe
Sent: Monday, August 19, 2002 1:21 PM
To: Corbin, John
Cc: Cardis, Philip
Subject: Legislative Council, Atty Inquiry

John, Phil Cardis, attorney for the Legislative Council, received an inquiry from a legislator. He was asked if DOT has forms for local units of government to fill out when the local government is seeking reimbursement for fire assistance along STH's. He was also asked how DOT determines if a municipal filing is authorized. Can you, or the appropriate person on your staff get back to Phil. He is cc'd above. Thanks! Joe! If not your shop can you forward to the appropriate people in DOT?

Joe Maassen
266-7364

STATE TRUNK HIGHWAY FIRE CALL CLAIM

Wisconsin Department of Transportation

DT1725 12/2000 (Replaces BAA81)

Town, Village, or City Clerk

Pursuant to sections 60.557(2), 61.65(8), and 62.13(8) Wisconsin Statutes, a fire call claim may be made to the Department of Transportation for a fire or other qualifying event on a state trunk highway or other highways maintained by the Department. Fires which occur on a connecting street in a city or village that receives connecting highway aid are not eligible for reimbursement. The municipality should submit a written statement (e.g., letter to responsible party) to show it has made a reasonable effort to collect the cost from the person to whom the service was rendered. The Department of Transportation shall reimburse the municipality up to \$500 for the costs, even if the fire equipment is not actually used. When fire equipment is called out as a matter of local policy whenever an emergency call is received and a qualifying event does not occur, the costs are not eligible for reimbursement. Claims and supporting documentation must be submitted within one year of the qualifying event to be eligible for payment.

- * The claim must be filed by the municipality in which the fire occurred.
- * Submit only one claim for each incident regardless of the number of vehicles or fires involved.
- * If reimbursement for the fire call has not been made by a company or individual, please complete this claim, attest to it by signing, and submit it to:
 Wisconsin Department of Transportation
 Bureau of Financial Services
 P.O. Box 7366
 Madison, WI 53707-7366

Town, Village, City (where fire occurred)	County	Taxpayer Identification Number	Amount of Claim
Name(s) and Address(es) of Owners of Vehicles			Vehicle License Number
			Date of Fire
Vehicle Insured by			Time of Call
Location of Fire. Be specific. State Highway Number and distance from Village, City or Intersection		Type of Fire. What burned? Cause of Fire-Accident, etc.	
<input type="checkbox"/> Check this box if this is not a connecting street which receives connecting highway aid.			
Fire Department Servicing Call and Equipment Responding <input type="checkbox"/> Check this box if equipment was not used.		Check ONE of the following <input type="checkbox"/> Volunteer Fire Department <input type="checkbox"/> Salaried Fire Department <input type="checkbox"/> Volunteer and Salaried Fire Department	
Purpose of Fire Call <input type="checkbox"/> Extinguish Fire <input type="checkbox"/> Handle Gasoline/Hazardous Materials <input type="checkbox"/> Extricate Victims		What attempt was made to collect from parties involved? Attach documentation.	
Indicate to whom payment shall be made (Town, Village or City Treasurer) Name Address		Cost of Fire to Municipality (Annual Fee Standard Cost Per Fire, Hourly Rate) or Cost of Wages and Supplies	

I certify that the above claim is true and correct; no portion thereof has been or will be paid by another. I also certify that a reasonable effort has been made to collect from the person responsible for the event.

Must be signed by Clerk or municipality in which fire occurred or the claim will be returned.

X

(Town, Village or City Clerk)

(Date)

Please see other side.

INFORMATION ON FIRE CALLS PROGRAM

1. Claims and supporting documentation must be submitted within one year of the qualifying incident to be eligible for payment.
2. Clerks should provide evidence of attempts to collect payment. Evidence shall include copies of letters to responsible individuals/ insurance companies requesting payment. If possible, copies of written refusal to pay should also be included.
3. By statute, payment will be made to city/village/town only, not to the fire department.
4. The claim must be signed by the town/village/city clerk, not a fire official or other party.
5. For all types of municipal government, payment shall be made for qualifying incidents even if the fire equipment is not actually used.
6. Events which qualify for reimbursement when within the right-of way of an eligible route include:
 - a. Responding to extinguish a fire on a vehicle, structure or vegetation;
 - b. Responding to handle gasoline or other hazardous materials;
 - c. Responding to a request for extrication equipment to remove or attempt to remove individuals trapped in vehicles as the result of a crash on an eligible highway.

When fire equipment is called out as a matter of local policy whenever an emergency call is received and a qualifying event does not occur, the costs are not eligible for reimbursement.

7. Fire calls on county roads (unless the county road is part of a marked detour from an eligible route) should be billed to the proper county per State Statute 60.557(1).
8. By statute, local governments in Wisconsin, **except those villages with paid fire departments, or cities with solely paid or solely volunteer departments**, are eligible to receive reimbursement for their actual expenses up to \$500 per qualifying event. This means that a town served by any type of fire department, a village served by a volunteer fire department, or a city served by a combination of a paid and volunteer fire department is eligible for payment. No other type of fire department for each respective type of municipality is eligible for payment.
9. Events on railroad tracks or property are not eligible.
10. Payments are for fire equipment responses for the three eligible events, not for ambulance equipment responses.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-25767

MES...

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

D-NOTE

1 AN ACT ... relating to: expanding reimbursements to cities and villages for fire
2 calls on certain highways.

Analysis by the Legislative Reference Bureau

Under current law, if a town incurs costs for a fire call on a state trunk highway or any highway that is a part of the national system of interstate highways and maintained by the Department of Transportation (DOT), DOT is required to reimburse the town up to \$500 for the costs, even if the fire equipment is not actually used, if the town submits written proof that the town has made a reasonable effort to collect the costs from the person to whom the fire call was provided. If the town collects the costs from such a person after DOT has reimbursed the town, the town is required to return the amount collected to DOT.

Also under current law, if a village has a volunteer fire department and if a city has a combination paid and volunteer fire department, DOT is required to reimburse such a village or city up to \$500 for a fire call on a state trunk highway or any highway that is a part of the national system of interstate highways and maintained by DOT.

This bill requires DOT to reimburse a village or city for such fire calls without regard to whether the fire department is paid, volunteer, or a combination paid and volunteer department.

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. 61.65 (8) of the statutes is amended to read:

2 61.65 (8) Any village having a volunteer fire department shall be reimbursed
3 by the department of transportation not to exceed \$500 for any fire call on a state
4 trunk highway or any highway that is a part of the national system of interstate
5 highways maintained by the department of transportation.

History: 1975 c. 94 s. 91 (5); 1975 c. 199; 1977 c. 29 s. 1654 (8) (d); 1977 c. 182; 1979 c. 256; 1981 c. 96 s. 67; 1981 c. 171; 1985 a. 166; 1987 a. 27, 399; 1993 a. 16, 77, 213.

6 SECTION 2. 62.13 (8) of the statutes is amended to read:

7 62.13 (8) FIRE DEPARTMENT. The council may provide by ordinance for either a
8 paid or a volunteer fire department and for the management and equipment of either
9 insofar as not otherwise provided for by law. ~~In the case where a combination of paid~~
10 ~~and volunteer fire department is provided for, such~~ Any city shall be reimbursed by
11 the department of transportation, not to exceed \$500 for any fire calls on a state
12 trunk highway or on any highway that is a part of the national system of interstate
13 highways and is maintained by the department of transportation.

History: 1971 c. 41 s. 12; 1971 c. 213 s. 5; 1975 c. 94 ss. 26, 91 (5); 1975 c. 199; 1977 c. 20; 1977 c. 29 s. 1654 (8) (c); 1977 c. 151, 182, 196; 1981 c. 171, 380; 1981 c. 390 s. 252; 1981 c. 391 s. 211; 1985 a. 135 s. 83 (3), (5); 1985 a. 166; 1987 a. 27; 1989 a. 31, 192; 1991 a. 32, 101, 189; 1993 a. 16, 53, 144, 213; 1995 a. 225, 270; 1999 a. 182.

14 SECTION 3. Initial applicability.

15 (1) This act first applies to fire calls that occur on the effective date of this
16 subsection.

17

(END)

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

LRB-2576/fdn
MES
King

Representative Wasserman:

Although your letter referred only to villages, I applied the changes *that* you request *ed* to cities also. Is this OK?

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

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

LRB-2576/1dn
MES:kmg:rs

May 12, 2003

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Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

RmNR

2003 BILL

today

gen

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2 reimbursements to cities and villages for fire calls on certain highways.

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