

**2003 DRAFTING REQUEST**

**Bill**

Received: **10/03/2002**

Received By: **rnelson2**

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: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Military Affairs - emerg govt**

Extra Copies:

Submit via email: **NO**

**Pre Topic:**

DOA:.....Uecker - BB0077,

**Topic:**

Transfer emergency management liability

**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           | rnelson2<br>10/16/2002 | kgilfoy<br>10/16/2002 | jfrantze<br>10/17/2002 |                | sbasford<br>10/17/2002 |                 | State           |
| /2           | rnelson2<br>01/13/2003 | kgilfoy<br>01/13/2003 | pgreensl<br>01/13/2003 |                | lemery<br>01/13/2003   |                 |                 |

FE Sent For:

<END>

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FE Sent For:

12-1/13  
kmf

1/13  
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ps/cph  
<END>

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|--------------|----------------|------------------|--------------|----------------|------------------|-----------------|-----------------|
| FE Sent For: |                | 11-10/16<br>King | 7/10/17      | Self<br>10/17  |                  |                 |                 |
|              |                |                  |              | <END>          |                  |                 |                 |

## **2003-05 Budget Bill Statutory Language Drafting Request**

- Topic – Emergency Management Contingencies Eliminate Liability
- Tracking Code – BB0077
- SBO team - OPS
- SBO analyst – Deborah Uecker  
267-0371    [deborah.uecker@doa.state.wi.us](mailto:deborah.uecker@doa.state.wi.us)
- Agency acronym – DMA
- Agency number – 465 (Military Affairs)

20.465(3)(b) Emergency management contingencies. A sum sufficient to defray the costs incurred to reimburse local governments 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) will also be required.

Modify §166.03(8)(f) as follows:

(f) If the total liability for worker's compensation benefits under par. (d), indemnification under par. (e) and loss from destruction of equipment under sub. (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population, the state shall reimburse the sponsor for the excess. Payment shall be made from the appropriation in s. 20.465(3)(a) on certificate of the adjutant general. The division shall notify the joint committee of finance in writing before reimbursing the sponsor. The division shall include in the notification specific information regarding the expenditure to be reimbursed. The division may reimburse amounts proposed in the notification to the joint committee on finance if within 14 working days after notification the committee does not schedule a meeting to review the division's proposed action. If, within 14 working days after notification to the joint committee on finance, the committee notifies the division that the committee has scheduled a meeting to review the division's proposed action, the division may reimburse the sponsor only if the committee approves the action.

**Option #2:**

Eliminate the unfunded liability exposure by repealing the language in §166.03(8)(f) in its entirety.

We understand that there may be other statutory provisions that affect other agencies in a similar manner. As a result, it may be more practical to create a statewide appropriation for these purposes. However, within the scope of our own budget proposal, we suggest the creation of a sum sufficient within our emergency management program to offset any further potential liabilities for the division.

**3. Create a PR appropriation for the Distance Learning Centers**

**Request:**

DMA requests statutory language to create an appropriation:

Create the following:

- 20.465(1)(i) Distance Learning Centers. All moneys received from the rental of distance learning center facilities.

**Discussion:**

The Distance Learning Centers are federally funded learning centers being constructed around the state of Wisconsin. The federal government has provided the ability for the learning centers to be rented to non-military and non-federal agencies. The funds from this activity are intended to help defray the cost of operating and maintaining the centers.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0350/1

RPN:.....  
*King*

DOA:.....Uecker – BB0077, Eliminate emergency management liability

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT <sup>Don't GEN. CAT.</sup> relating to: the budget.

*head*

*Analysis by the Legislative Reference Bureau*

*Veterans and military affairs*

Under current law, DMA reimburses a local governmental unit that provides emergency management activities for worker's compensation benefits, indemnification for tort liability, and loss from destruction of equipment related to those activities for those costs in a calendar year that exceed \$1 per capita of the local governmental unit's population. Currently, the funding for that reimbursement comes from DMA's sum certain general program operations appropriation account for the Division of Emergency Management. This bill abolishes that reimbursement.

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:*

2 SECTION 1. 166.03 (8) (f) of the statutes is repealed.

3 (END)

**Nelson, Robert P.**

---

**From:** Schaeffer, Carole  
**Sent:** Friday, January 10, 2003 11:42 AM  
**To:** Nelson, Robert P.  
**Subject:** LRB 03-0350/1

Hi Bob!

I've taken over for Deb Uecker, who is moving over to Capital Finance. So, I've inherited her drafts. We would like to amend this draft to move the liability to s.20.865 (1)(a) Legal Judgments and Expenses.

Let me know if you have any questions.

Thanks!  
Carole Schaeffer



03-0350/1



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0350/1  
RPN:kmg:jf

2

Transfer

DOA:.....Uecker - BB0077, ~~Eliminate~~ emergency management liability

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT <sup>Don't GEN. CAT.</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**VETERANS AND MILITARY AFFAIRS**

Under current law, DMA reimburses a local governmental unit that provides emergency management activities for worker's compensation benefits, indemnification for tort liability, and loss from destruction of equipment related to those activities for those costs in a calendar year that exceed \$1 per capita of the local governmental unit's population. Currently, the funding for that reimbursement comes from DMA's sum certain general program operations appropriation account for the Division of Emergency Management. ~~This bill abolishes that reimbursement.~~

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

insert  
act.

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

insert  
1-2 3

SECTION 1. 166.03 (8) (f) of the statutes is repealed.

(END)



2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0350/2ins  
RPN:kmg:jf

insert anl:

This bill transfers the funding of that reimbursement to the state programs supplement appropriation account.

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

insert 1-2:

SECTION 1. 20.865 (1) (a) of the statutes is amended to read:

20.865 (1) (a) *Judgments and, legal expenses, and worker's compensation benefits.* A sum sufficient to pay for legal expenses under s. 59.32 (3), for costs under ss. 227.485 and 814.245 and, for the costs of judgments, orders, and settlements of actions, appeals, and complaints under subch. II of ch. 111 or subch. II or III of ch. 230, and those judgments, awards, orders, and settlements under ss. 21.13, 165.25 (6), 775.04, and 895.46 that are not otherwise reimbursable as liability costs under par. (fm), and for payments made under s. 166.03 (8) (f). Release of moneys under this paragraph pursuant to any settlement agreement, whether or not incorporated into an order, is subject to approval of the attorney general.

→ note: bud

History: 1971 c. 125; 1971 c. 270 ss. 94, 95, 104; 1973 c. 90, 117, 151; 1973 c. 243 s. 82; 1973 c. 333; Sup. Ct. Order, 67 Wis. 2d 773 (1975); 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 81, 224; 1977 c. 29, 44; 1977 c. 196 ss. 130 (8), 131; 1977 c. 203; 1977 c. 272 s. 98; 1977 c. 273, 344; 1977 c. 418 ss. 175d to 178, 929 (1); 1979 c. 32 s. 92 (5); 1979 c. 34 ss. 631b, 631d, 631f, 631h, 667 to 675; 1979 c. 48, 126, 221; 1981 c. 20, 96, 314, 317, 391; 1983 a. 27 ss. 498 to 526, 2204 (57) (b); 1983 a. 36; 1983 a. 191 s. 6; 1983 a. 192, 409; 1985 a. 29, 42, 52, 111; 1985 a. 182 s. 57; 1987 a. 27, 378; 1987 a. 403 ss. 28, 256; 1989 a. 31, 39, 336; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201, 227, 400, 445; 1997 a. 27, 35, 41, 237; 1999 a. 9; 2001 a. 16, 106.

SECTION 2. 166.03 (8) (f) of the statutes is amended to read:

166.03 (8) (f) If the total liability for worker's compensation benefits under par. (d), indemnification under par. (e), and loss from destruction of equipment under sub. (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population, the state shall reimburse the sponsor for the excess. Payment shall be made from the appropriation in s. 20.465 (3) (a) 20.865 (1) (a) on certificate of the adjutant

- 1 general and, if appropriate, subject to the approval of the attorney general under s.
- 2 20.865 (1) (a).

**History:** 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0350/2

RPN:kmg:pg

DOA:.....Uecker – BB0077, Transfer emergency management liability

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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

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*Analysis by the Legislative Reference Bureau*

**VETERANS AND MILITARY AFFAIRS**

Under current law, DMA reimburses a local governmental unit that provides emergency management activities for worker's compensation benefits, indemnification for tort liability, and loss from destruction of equipment related to those activities for those costs in a calendar year that exceed \$1 per capita of the local governmental unit's population. Currently, the funding for that reimbursement comes from DMA's sum certain general program operations appropriation account for the Division of Emergency Management.

This bill transfers the funding of that reimbursement to the state programs supplement appropriation account.

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:*

2 SECTION 1. 20.865 (1) (a) of the statutes is amended to read:

3 20.865 (1) (a) *Judgments and, legal expenses, and worker's compensation*

4 *benefits.* A sum sufficient to pay for legal expenses under s. 59.32 (3), for costs under

1 ss. 227.485 and 814.245 and, for the costs of judgments, orders, and settlements of  
2 actions, appeals, and complaints under subch. II of ch. 111 or subch. II or III of ch.  
3 230, and those judgments, awards, orders, and settlements under ss. 21.13, 165.25  
4 (6), 775.04, and 895.46 that are not otherwise reimbursable as liability costs under  
5 par. (fm), and for payments made under s. 166.03 (8) (f). Release of moneys under this  
6 paragraph pursuant to any settlement agreement, whether or not incorporated into  
7 an order, is subject to approval of the attorney general.

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

8 **SECTION 2.** 166.03 (8) (f) of the statutes is amended to read:

9 166.03 (8) (f) If the total liability for worker's compensation benefits under par.  
10 (d), indemnification under par. (e), and loss from destruction of equipment under sub.  
11 (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population,  
12 the state shall reimburse the sponsor for the excess. Payment shall be made from  
13 the appropriation in s. ~~20.465 (3) (a)~~ 20.865 (1) (a) on certificate of the adjutant  
14 general and, if appropriate, subject to the approval of the attorney general under s.  
15 20.865 (1) (a).

16 (END)