

**2003 DRAFTING REQUEST**

**Assembly Amendment (AA-SB120)**

Received: 03/09/2004

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: J.A. Hines (608) 266-7746

By/Representing: Carolyn

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous  
Counties - miscellaneous  
Health - miscellaneous  
Military Affairs - emerg govt**

Extra Copies: **RPN, DAK**

Submit via email: YES

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Intrastate mutual aid agreements, emergency management

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**Instructions:**

See Attached

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**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	mshovers 03/09/2004	wjackson 03/09/2004	jfrantze 03/09/2004	_____	lemery 03/09/2004	lemery 03/09/2004	

FE Sent For:

**<END>**

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1?	mshovers	1 WLJ 3/9	JL	3/9			
11	MES	3/9/04	3	9			

FE Sent For:

<END>

## Shovers, Marc

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**From:** Hughes, Carolyn  
**Sent:** Tuesday, March 09, 2004 9:09 AM  
**To:** Gilbert, Melissa; Sweet, Richard; Shovers, Marc  
**Subject:** RE: SB 120


Works for me.

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

**From:** Gilbert, Melissa  
**Sent:** Tuesday, March 09, 2004 9:03 AM  
**To:** Sweet, Richard; Hughes, Carolyn; Shovers, Marc  
**Subject:** RE: SB 120

Thanks, Dick!

According to one of the fire chiefs I spoke with, fire departments want to be able to charge in a state of emergency regardless of whether mutual aid agreements specify that ability, so I think we should remove (2)(b)3.

Any other thoughts? 

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

**From:** Sweet, Richard  
**Sent:** Tuesday, March 09, 2004 8:50 AM  
**To:** Hughes, Carolyn; Gilbert, Melissa; Shovers, Marc  
**Subject:** RE: SB 120

Carolyn/Missy/Marc,

I think you might want to delete all of the material in the Engrossed Bill from page 5, line 1 to page 6, line 15 and substitute the following:

66.0314 State of emergency; mutual assistance. (1) In this section:

(keep all definitions)

(2) (a) If the governor declares a state of emergency, upon the request of a city, village, town, or county, or a person acting under an incident command system, the personnel of any emergency management program, emergency medical services program, fire department, or local health department may assist the requester within the requester's jurisdiction, notwithstanding any other jurisdictional provision.

(b) If a request for assistance is made under par. (a), the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency if all of the following apply:

1. The responding agency meets the personnel and equipment requirements in the state plan under s. 166.03(2)(a)1.
2. The responding agency requests payments of those costs.
3. The request for payment under subd. 2. is consistent with any agreement under s. 66.0301 or other agreement between the parties in existence at the time of the emergency.

SECTION 4m. 66.03145 of the statutes is created to read:

66.03145. Local health departments; mutual assistance. (1) This section does not apply during a state of emergency declared by the governor.

(2) In this section, "local health department" has the meaning given in s. 66.0314(1)(e).

(3) (a) Upon the request of a local health department, the personnel of any other local health department may assist the requester within the requester's jurisdiction, notwithstanding any other jurisdictional provision.

(b) If a request for assistance is made under par. (a), payment for the requested services shall be made by one of the following methods:

1. If an agreement under s. 66.0301, or any other agreement between the parties, for the payment of services exists, the terms of the agreement shall be followed.

2. If no agreement described under subd. 1. for the payment of services exists, the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency if the responding agency requests payments of those costs.

(I added in sub. (2)(b)3. above to give more specific recognition to MABAS agreements--no billing allowed if the agreement says no billing. It might provide more comfort to the firefighters. But feel free to delete.)

Dick Sweet 6-2982

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

From: Hughes, Carolyn  
Sent: Monday, March 08, 2004 5:34 PM  
To: Shovers, Marc  
Cc: Sweet, Richard; Gilbert, Melissa  
Subject: SB 120  
Importance: High

Marc,

After much discuss, we need a different amendment for SB 120. Dick Sweet sketched it out.

Have following language replace all of par. (b), which begins on page 5, line 24 and ends on page 6, line 15:

(b) If a request for assistance is made under par. (a), the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency if the responding agency meets the personnel and equipment requirements in the state plan under s. 166.03(2)(a)1. and if the responding agency requests payment of those costs.

This language would be in addition to the language in LRBA2640/1. However, leave in the material on page 5, lines 19 and 20 and just insert the new material before it.

Take the language in the amendment, as modified by above, and call s. 66.0314 "State of emergency; mutual assistance".

Then you create a new section called "Local health departments; mutual assistance". The second section wouldn't have to cover states of emergency, since the first one already would. The local health department section would apply when there isn't a state of emergency declared by the Governor. You probably want to say that an agreement governs payment when there is an agreement in place, but otherwise the requesting agency pays, if requested to do so by the responding agency.

I hope this all makes sense. Our goal is to get local health departments included under mutual aid and then a standard for everyone under a Governor's state of emergency.

This is going to be on the floor on Wednesday so we need it asap. Sorry for the short

notice.

Thanks for your hard work!

Carolyn

Carolyn Hughes  
Research Assistant  
Rep. J.A. Hines

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Carolyn.Hughes@legis.state.wi.us



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBa2771/7  
MES.....

WJ  
fmr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT,  
TO 2003 SENATE BILL 120

today

At the locations indicated, amend the bill as follows:

1. Page 4, line 18: after that line insert:

"SECTION 3m. 66.0312 of the statutes is created to read:

**66.0312 Local health departments; mutual assistance.** (1) In this section "local health department" has the meaning given in s. 66.0314 (1) (e).<sup>✓</sup>

(2) (a) Subject to sub. (3), upon the request of a local health department, the personnel of any other local health department may assist the requester within the requester's jurisdiction, notwithstanding any other jurisdictional provision.

(b) If a request for assistance is made under par. (a),<sup>✓</sup> payment for the requested services shall be made by one of the following methods:

1. If an agreement under s. 66.0301<sup>✓</sup>, or any other agreement between the parties, for the payment of such services exists, the terms of the agreement shall be followed.

2. If no agreement described under subd. 1.<sup>✓</sup> for the payment of such services exists, the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency if the responding agency requests payment of those costs.

(3) This section does not apply during a state of emergency declared by the governor under s. 166.03 (1) (b) 1.<sup>✓</sup>.”

✓ 2. Page 5, line 1: delete lines 1 and 2 and substitute: “**66.0314 State of emergency; mutual assistance.** (1) In this section:”.

✓ 3. Page 5, line 19: delete “Upon” and substitute “If the governor declares a state of emergency under s. 166.03 (1) (b) 1.<sup>✓</sup>, upon”.

✓ 4. Page 5, line 24: delete “payment for the requested”.

✓ 5. Page 5, line 25: delete the material beginning with that line and ending with page 6, line 15 and substitute<sup>g</sup> “the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency if all of the following apply:

1. The responding agency meets the personnel and equipment requirements in the state plan under s. 166.03 (2) (a) 1.<sup>✓</sup>

2. The responding agency requests payment of those costs.”.

(END)

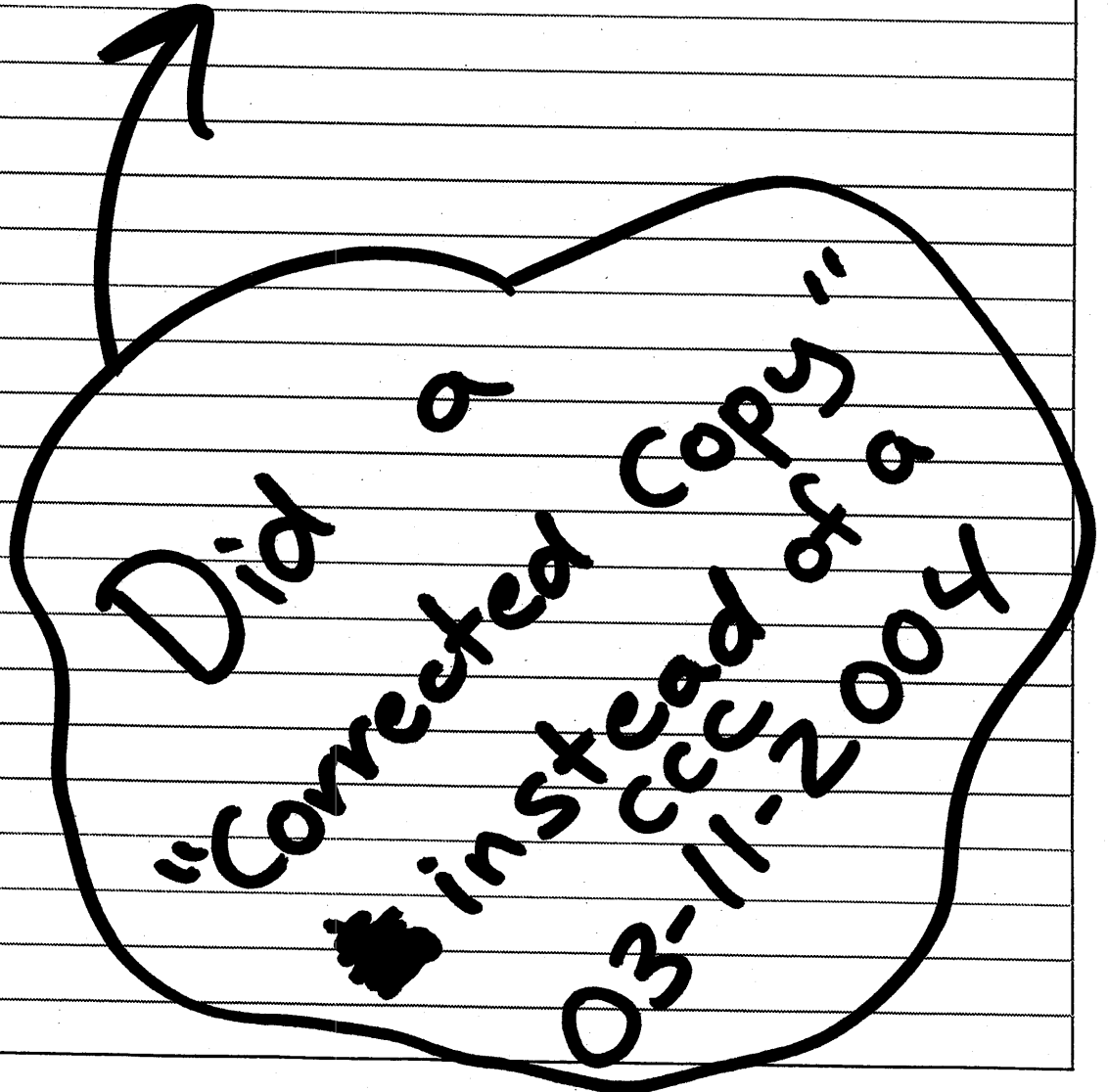


LRB a 2771/1  
MES

CCC  
to  
AA  
to  
SB120

#. Page 1, line 1: after "amend  
the" insert "engrossed".

cjs



Did a  
"Corrected Copy"  
instead of a  
CCC  
03-11-2004