

2003 DRAFTING REQUEST

Bill

Received: **09/17/2003**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Commerce**

By/Representing: **landon williams**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - fire safety**

Extra Copies: **RCT**

Submit via email: **YES**

Requester's email: **lwilliams@commerce.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Fire dues

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> |
|--------------|------------------------|------------------------|-----------------------|----------------|----------------------|-----------------|-----------------|
| /? | rmarchan 09/24/2003 | csicilia 10/20/2003 | | _____ | | | S&L |
| /1 | rmarchan 11/03/2003 | csicilia 11/06/2003 | chaugen 10/20/2003 | _____ | lemery 10/20/2003 | | S&L |
| /2 | | | pgreensl | _____ | lemery | sbasford | |

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|--------------|----------------|-----------------|------------------|----------------|------------------|-----------------|-----------------|
| | | | 11/06/2003 _____ | | 11/06/2003 | 01/22/2004 | |
| | | | _____ | | mbarman | sbasford | |
| | | | _____ | | 12/02/2003 | 01/22/2004 | |

FE Sent For:

"1/2" 1/26/04

<END>

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

11/06/2003 _____

11/06/2003

mbarman

12/02/2003

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Via e-mail only
- requested by
L. Williams

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| /1 | 12/5 03 | | chaugen 10/20/2003 1/6 PG | 1/6 self | lemery 10/20/2003 | | |

10/20/2003 11:21:27 AM

Page 2

LRB-3306

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| 1? | rmarchan | 1 cjs 10/20 03 | CH 10-20 | CH 10-20 P6 | | | |

FE Sent For:

<END>

Marchant, Robert

From: Williams, Landon
Sent: Friday, September 12, 2003 12:37 PM
To: Marchant, Robert
Cc: Cornelius, Louie
Subject: Statute change proposals - ss. 101.09 and 101.143, Stats. and 101.757(4)(a)

Hi Rob,

Here's the basic information you and I talked about over the phone. I included actual statutory changes that may or may not be of help to you.

Last year, the Department initiated the application to the EPA for State Program Approval or "SPA" for our tank regulation program. To qualify for SPA, the Department's program must be equivalent to the EPA program, which it is, except when it comes to fines. Attached are the SPA criteria regarding fines. The EPA requires the ability to assess up to \$5000 per day in penalties. Sections 101.09(5) and 101.143(10), Stats. allow for the assessment of only up to \$1000 and \$2000 per day in penalties. Basically, the Department needs a statutory change to match the federal levels.



Legal Authorities
for Enforcem...

In addition, the Department is requesting a change to 101.757(4)(a) relating to the distribution of the 2% Fire Dues funds. Under the statute, fire departments must inspect all of the buildings within their jurisdiction twice a year, with a few exceptions. If a department misses even one building they are out of compliance. If they fail to comply, two years in a row, they don't get their funds. The fire service has identified this as an unreasonable standard to meet so we are proposing a revision to require substantial, rather than absolute compliance.



SUBSTANTIAL
MPLIANCE STATUTI

Thanks for handling these bill requests for the Department. If you need more information, please let me know.

Landon

SUBSTANTIAL COMPLIANCE STATUTORY LANGUAGE CHANGE

Current Statutory Language:

101.757(4)(a) The department may not pay any fire department dues for any year to any city, village, town or fire department unless all of the following conditions are satisfied

1. ...
2. The city, village or town has submitted a form which is signed by the clerk of the city, village or town and by the chief of the fire department providing fire protection to that city, village or town, which is provided by the department by rule and which certifies that the fire department has complied with this section or the department has audited the city, village or town fire department and determined that it complies with sub. (6) and ss. 101.14(2).
3. (etc.)

Proposed Statutory Language:

101.757(4)(a) The department may not pay any fire department dues for any year to any city, village, town or fire department unless all of the following conditions are satisfied

1. ...
2. The city, village or town has submitted a form which is signed by the clerk of the city, village or town and by the chief of the fire department providing fire protection to that city, village or town, which is provided by the department by rule and which certifies that the fire department ~~has complied~~ is in substantial compliance with this section or the department has audited the city, village or town fire department and determined that it ~~complies~~ is in substantial compliance with sub. (6) and ss. 101.14(2). The department shall define the meaning of substantial compliance by rule for purposes of this subdivision.
3. (etc.)



IN: 9-24

ej's
[Signature]

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TODAY
NOON

Gen cat.

under the
fire dues program

1 AN ACT ~~...~~; relating to: eligibility for a grant under the fire dues program.

Analysis by the Legislative Reference Bureau

Under current law, an eligible city, village, or town (municipality) may receive a grant from the department of commerce (department) that may be used to purchase fire protection equipment, to provide fire inspection services and public education, to train fire fighters and fire inspectors, and to fund certain accounts established for the benefit of fire fighters (fire dues program). With certain exceptions, in order for a municipality to receive a grant under the fire dues program, the chief of the municipal fire department currently must provide a fire inspection for every public building and place of employment in the fire department's territory.

This bill changes this eligibility requirement. Under this bill, a municipality may be eligible to receive a grant if the municipality substantially complies with the requirement that every public building and place of employment be inspected. In addition, the bill allows a municipality to be in substantial compliance, rather than strict compliance, with other eligibility criteria specified in current law. The bill requires the department, by rule, to define "substantial compliance" for purposes of these provisions.

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. 101.575 (4) (a) 1. of the statutes is amended to read:

2 101.575 (4) (a) 1. The department determines that the city, village, town or fire
3 department ~~has complied~~ is in substantial compliance with sub. (6) and s. 101.14 (2).
4 The department shall establish by rule the meaning of "substantial compliance" for
5 purposes of this subdivision.

History: 1971 c. 185 s. 7; 1975 c. 94 s. 91 (9); 1975 c. 372 s. 15; Stats. 1975 s. 601.95; 1977 c. 29; 1979 c. 34, 221; 1981 c. 20 ss. 1754 to 1758, 2202 (26) (b); Stats. 1981 s. 101.59; 1981 c. 364 s. 3; Stats. 1981 s. 101.575; 1987 a. 399; 1989 a. 31; 1991 a. 187; 1993 a. 213; 1997 a. 27.

6 SECTION 2. 101.575 (4) (a) 2. of the statutes is amended to read:

7 101.575 (4) (a) 2. The city, village or town has submitted a form which is signed
8 by the clerk of the city, village or town and by the chief of the fire department
9 providing fire protection to that city, village or town, which is provided by the
10 department by rule and which certifies that the fire department ~~has complied~~ is in
11 substantial compliance with this section or the department has audited the city,
12 village, town or fire department and determined that it ~~complies~~ is in substantial
13 compliance with sub. (6) and s. 101.14 (2). The department shall establish by rule
14 the meaning of "substantial compliance" for purposes of this subdivision.

History: 1971 c. 185 s. 7; 1975 c. 94 s. 91 (9); 1975 c. 372 s. 15; Stats. 1975 s. 601.95; 1977 c. 29; 1979 c. 34, 221; 1981 c. 20 ss. 1754 to 1758, 2202 (26) (b); Stats. 1981 s. 101.59; 1981 c. 364 s. 3; Stats. 1981 s. 101.575; 1987 a. 399; 1989 a. 31; 1991 a. 187; 1993 a. 213; 1997 a. 27.

(END)

15
SECT# 101.575
(1) This act first applies to applications for grants under 101.575 that are received by the department of commerce on the effective date of this subsection.
SECT# Eff. Date
(1) This act takes effect on the first day of the 8th month beginning after publication.
of the statutes

Marchant, Robert

From: Williams, Landon
Sent: Monday, November 03, 2003 11:31 AM
To: Marchant, Robert
Subject: Changes to LRB-3306/1

Hi Rob,

Thanks for your quick work on the Technology Commercialization Initiative. We really appreciate how quickly you turned that around for us. To show our appreciation, in lieu of a fruit basket, we have decided to send you another change to one of the many drafts you so kindly created. You may thank us later if you want to. Fortunately, it is very straight forward.

-3306/1

On page 2, please make the following changes:

(1) This act first applies to ~~applications for grants~~ the 2% fire dues distributions under section 101.575 of the statutes that are ~~received~~ disbursed by the department of commerce on or after the effective date of this subsection.

I hope that all makes sense, let me know if the wording will cause any problems. Thanks again for all your work.
Landon

Soe

Plan MK

2003 BILL

SA ✓

Page cont.

1 AN ACT to amend 101.575 (4) (a) 1. and 101.575 (4) (a) 2. of the statutes; relating
2 to: eligibility for a grant under the fire dues program.

Analysis by the Legislative Reference Bureau

Under current law, an eligible city, village, or town (municipality) may receive a grant from the Department of Commerce (department) under the fire dues program that may be used to purchase fire protection equipment, to provide fire inspection services and public education, to train fire fighters and fire inspectors, and to fund certain accounts established for the benefit of fire fighters (fire dues program). With certain exceptions, in order for a municipality to receive a grant under the fire dues program, the chief of the municipal fire department currently must provide a fire inspection for every public building and place of employment in the fire department's territory.

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BILL

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SECTION 2. 101.575 (4) (a) 2. of the statutes is amended to read:

101.575 (4) (a) 2. The city, village or town has submitted a form which is signed by the clerk of the city, village or town and by the chief of the fire department providing fire protection to that city, village or town, which is provided by the department by rule and which certifies that the fire department ~~has complied~~ is in substantial compliance with this section or the department has audited the city, village, town or fire department and determined that it ~~complies~~ is in substantial compliance with sub. (6) and s. 101.14 (2). The department shall establish by rule the meaning of "substantial compliance" for purposes of this subdivision.

SECTION 3. Initial applicability.

(1) This act first applies to ~~applications for~~ ^{distributions of} grants under section 101.575 of the statutes that are ~~received~~ ^{disbursed} by the department of commerce on the effective date of this subsection.

SECTION 4. Effective date.

Barman, Mike

From: Hanaman, Cathlene
Sent: Wednesday, January 21, 2004 5:25 PM
To: Lori Northrop; Lynn Emery; Mike Barman; Sarah Basford
Subject: Jacketing

Missy from Sen. Brown's office called (6-8546). She wants to jacket -3306 (an RJM draft).

OK per
Landon 1/22