

## 2007 DRAFTING REQUEST

### Bill

Received: **09/13/2006**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Dombrowski**

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

Drafter: **gmalaise**

May Contact:

Add. Drafters:

Subject: **Employ Priv - worker's comp**

Extra Copies:

Submit via email: **NO**

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### Pre Topic:

DOA:.....Dombrowski, BB0067 -

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### Topic:

Appropriation for off-duty peace officer liability

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### Instructions:

See Attached--change s. 20.505 (2) (am) from a sum certain to a sum sufficient appropriation

---

### 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>
/?	gmalaise 09/13/2006	jdyer 09/14/2006		_____			
/P1			rschlue 09/14/2006	_____	sbasford 09/14/2006		
/1	gmalaise 09/29/2006	jdyer 10/03/2006	rschlue 10/04/2006	_____	lparisi 10/04/2006		
/2	gmalaise 02/01/2007	jdyer 02/01/2007	pgreensl 02/01/2007	_____	mbarman 02/01/2007		

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/1	gmalaise 09/29/2006	jdye 10/03/2006	rschluet 10/04/2006	_____	lparisi 10/04/2006		

FE Sent For:

*Handwritten initials: jld*

*Handwritten initials: rs*

*Handwritten initials: P8/JS*

<END>

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/?	gmalaise 09/13/2006	jdye 09/14/2006		_____			
/P1	gmalaise	1 10/3 jld	rschluet 09/14/2006	_____	sbasford 09/14/2006		
FE Sent For:		sh 10/3	sh 10/4	_____			

**<END>**

**2007 DRAFTING REQUEST**

**Bill**

Received: **09/13/2006**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Administration 6-1359**

By/Representing: **Martha Kerner**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - worker's comp**

Extra Copies:

Submit via email: **YES**

Requester's email: **martha.kerner@doa.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Appropriation for off-duty peace officer liability

---

**Instructions:**

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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>
/?	gmalaise 09/13/2006	jdye 09/14/2006		_____			
/P1			rschluet 09/14/2006	_____	sbasford 09/14/2006		

FE Sent For:

<END>

**2007 DRAFTING REQUEST**

**Bill**

Received: **09/13/2006**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Administration 6-1359**

By/Representing: **Martha Kerner**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - worker's comp**

Extra Copies:

Submit via email: **YES**

Requester's email: **martha.kerner@doa.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

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**Topic:**

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/?

gmalaise

PI 9/14 jld

9/19/06

FE Sent For:

<END>



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**JIM DOYLE**  
GOVERNOR  
**STEPHEN E. BABLITCH**  
SECRETARY

Division of Administrative Services  
Post Office Box 7869  
Madison, WI 53707-7869  
Voice (608) 266-2309  
Fax (608) 264-9500

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Date: August 30, 2006

To: Mr. Steve Miller  
Legislative Reference Bureau  
One East Main St., Suite 200

From: Martha Kerner, <sup>MK</sup> Director  
Bureau of Financial Management  
Division of Administrative Services/DOA  
101 E. Wilson St.

Subject: Drafting of Agency Items for 2007-2009 Budget Bill

Please accept this drafting request for consideration in the Governor's biennial budget submission. Please return agency drafts to my attention, 9th floor, St. Administration Bldg. via Inter-D mail, or electronically if you prefer: [Martha.Kerner@DOA.State.WI.US](mailto:Martha.Kerner@DOA.State.WI.US)

Don't hesitate to contact me if as you or your drafting staff need additional information or clarifications. Thanks.

attachment

cc: John Rothschild, Department Chief Counsel  
Cynthia Dombrowski, SBO

**Department of Administration (agency) Drafting Request  
to the Legislative Reference Bureau**

- Draft for Possible 2007-09 Budget Bill Introduction
- Draft for Possible Introduction as Department-sponsored or Independent Bill

**Subject:** Risk – Convert Appropriation Type to Sum-Sufficient

**Request Date:** 8/15/06

**Reviewed by:** Martha Kerner

**DOA Contact for drafting information (phone):** Mary Massey 7-2099

**Brief Description of Intent:**

2005 ACT 414 created a GPR annual appropriation to pay for worker's compensation and liability costs resulting from actions of off-duty peace officers operating out of their normal jurisdiction. The appropriation s.20.505(2)(am) was entered into the chapter 20 schedule with zero appropriation authority. This creates a potential issue for State Risk Management as worker's compensation costs by statute must be paid within 14 days. If such a claim were filed, the department would need to submit a s.13.10 request to the JFC to provide funding. Since s.13.10 meetings are held on a quarterly basis DOA would be in violation of State law if claims payments were delayed beyond 14 days after the injury.

DOA requests that the appropriation under s.20.505(2)(am) be converted to sum-sufficient. In addition add language that would require DOA to report to the JFC on a quarterly basis any expenditure made from this appropriation.

The department will submit file maintenance to convert the Chapter 20 schedule from "annual" to "sum-sufficient".

**Related Stat. Citations if appropriate**

cc: Cynthia Dombrowski



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0200/1

GMM:.....

Agency budget draft

JLD (P1)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Soa

GPS.  
print  
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numbers  
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don't gen

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

*Analysis by the Legislative Reference Bureau*

**EMPLOYMENT**

Under current law, an annual sum certain appropriation is made to DOA for costs and judgments incurred by the state as a result of any civil or criminal liability or worker's compensation claim that may arise out of an off-duty peace officer arresting a person or providing aid or assistance outside of the officer's territorial jurisdiction, but in the state, if the officer is responding to an emergency, the officer's action would be authorized if done in the officer's jurisdiction, and the officer's action is in compliance with written policies adopted by the officer's supervising agency. This bill converts that appropriation to a sum sufficient to pay those costs and judgments. The bill also requires DOA, after the end of each calendar quarter, to submit a report to JCF detailing all moneys expended or encumbered from that appropriation during that calendar quarter.

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

SECTION 1. 20.505 (2) (am) of the statutes is amended to read:

20.505 (2) (am) *Costs and judgments.* The amounts in the schedule A sum sufficient for costs and judgments under s. 175.40 (6m) (c) 1. or 2. No later than 30



days after the end of each calendar quarter, the department of administration shall submit a report to the joint committee on finance detailing all moneys expended or encumbered from this appropriation account during that calendar quarter.

**History:** 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 142, 141, 253, 344, 414, 433.

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

(END)

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Risk - Convert type of appropriation
- Tracking Code: BB0067
- SBO team: General Govt & Justice
- SBO analyst: Cindy Dombrowski CD .
  - Phone: 266-5878
  - Email: cynthia.dombrowski@wisconsin.gov
  
- Agency acronym: DOA
- Agency number: 505
- Priority (Low, Medium, High): Low

The agency sent the attached drafting request prior to September 15<sup>th</sup>. Please now consider it a budget draft.

**Department of Administration (agency) Drafting Request  
to the Legislative Reference Bureau**

- Draft for Possible 2007-09 Budget Bill Introduction
- Draft for Possible Introduction as Department-sponsored or Independent Bill

**Subject:** Risk – Convert Appropriation Type to Sum-Sufficient

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**Reviewed by:** Martha Kerner

**DOA Contact for drafting information (phone):** Mary Massey 7-2099

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The department will submit file maintenance to convert the Chapter 20 schedule from "annual" to "sum-sufficient".

**Related Stat. Citations if appropriate**

cc: Cynthia Dombrowski



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0200/PT

GMM:jld:rs

DOA

①

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1

*don't gen*  
AN ACT ...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**EMPLOYMENT** ✓

Under current law, an annual sum certain appropriation is made to DOA for costs and judgments incurred by the state as a result of any civil or criminal liability or worker's compensation claim that may arise out of an off-duty peace officer arresting a person or providing aid or assistance outside of the officer's territorial jurisdiction, but in the state, if the officer is responding to an emergency, the officer's action would be authorized if done in the officer's jurisdiction, and the officer's action is in compliance with written policies adopted by the officer's supervising agency. This bill converts that appropriation to a sum sufficient to pay those costs and judgments. The bill also requires DOA, after the end of each calendar quarter, to submit a report to JCF detailing all moneys expended or encumbered from that appropriation during that calendar quarter.

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2

**SECTION 1.** 20.505 (2) (am) ✓ of the statutes is amended to read:

3

20.505 (2) (am) *Costs and judgments.* ~~The amounts in the schedule A sum~~

4

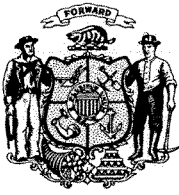
sufficient for costs and judgments under s. 175.40 (6m) (c) 1. or 2. No later than 30

1 days after the end of each calendar quarter, the department of administration shall  
2 submit a report to the joint committee on finance detailing all moneys expended or  
3 encumbered from this appropriation account during that calendar quarter.

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

4

**(END)**



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0200/1

GMM:jld:sh

DOA/E

DMR

DOA:.....Dombrowski, BB0067 - Appropriation for off-duty peace officer liability

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

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

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*Analysis by the Legislative Reference Bureau*

**EMPLOYMENT**

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

6

(END)

SEC #. (2), 175.40 (6m) (c) 4. ✓

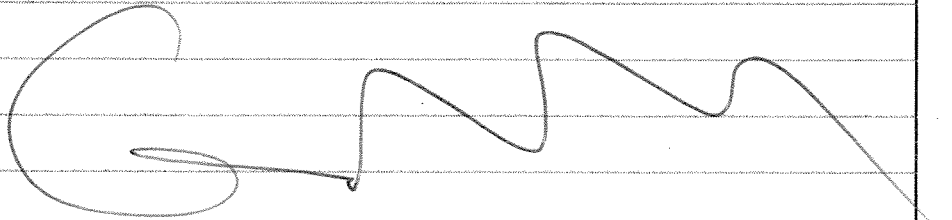
175.40 (6m) (c) 4. By no later than ✓ 30 days  
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 or encumbered from the appropriation account under  
 s. 20.505 (2) (am) ✓ during that calendar quarter  
 for **costs** and judgments under subd. 1. or 2. ✓

↓  
DATE

DNSE

Cynthia:

On the advice of ~~the~~ Managing Attorneys Rebecca C. Traubwell and Jeffrey T. Kuesel, this redraft removes the quarterly reporting requirement from s. 20.505 (2) (am) and places it in s. 175.40 (6m) (c). Generally, we try to limit ch. 20<sup>v</sup> to appropriation language and put substantive language in the appropriate substantive chapters.





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

LRB-0200/2dn  
GMM:jld:pg

February 1, 2007

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On the advice of Managing Attorneys Rebecca C. Tradewell and Jeffery T. Kuesel, this redraft removes the quarterly reporting requirement from s. 20.505 (2) (am) and places it in s. 175.40 (6m) (c). Generally, we try to limit ch. 20 to appropriation language and put substantive language in the appropriate substantive chapters.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [gordon.malaise@legis.wisconsin.gov](mailto:gordon.malaise@legis.wisconsin.gov)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0200/2

GMM:jld:pg

DOA:.....Dombrowski, BB0067 - Appropriation for off-duty peace officer liability

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