

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-2935/2	Introduction Number AB-0316	
Description Emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local:		
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Affected Ch. 20 Appropriations		
Agency/Prepared By	Authorized Signature	Date
DOJ/ Mark Rinehart (608) 264-9463	Mark Rinehart (608) 264-9463	6/30/2009

Fiscal Estimate Narratives

DOJ 6/30/2009

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Assumptions Used in Arriving at Fiscal Estimate

The Department of Justice's Civil Litigation Unit is responsible for state tort defense, both trial and appellate. Among other things, this unit provides legal representation for the medical faculty of the University of Wisconsin (UW) and the Department of Corrections (DOC) in medical negligence cases.

Under current law, certain private health care providers who are credentialed by the proper Wisconsin regulatory agency, and who provide care or services on a voluntary, unpaid basis during a declared state of emergency, are granted status as a state agent of the Department of Health Services (DHS). As it does for UW and DOC employees, the Department of Justice may appear for and defend state agents of DHS in civil actions or other matters before courts resulting from an act committed in the lawful course of the agent's duties.

2009 Assembly Bill 316 amends current law by expanding the list of private health care providers granted state agent status during emergencies to include: 1) emergency medical technicians, first responders, funeral directors, and veterinary technicians; and 2) persons who are credentialed by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual credentialed in Wisconsin may perform.

As a result, the number of cases in which DOJ receives a request to provide legal services may increase. While DOJ anticipates that any increase attributable to AB 316 will be small, there is no way to be certain of the size of any increase. If the increase in the number of cases is significant, DOJ will require additional resources to handle the increased legal caseload.

The Department of Justice also enforces the state's environmental laws, including chapter 166.20, relating to hazardous substances information and emergency planning. Under 166.20 (8), the Department of Justice, at its own discretion or at the request of the Division of Emergency Management, local emergency planning committee, or district attorney for the county in which the violation is alleged to have occurred, shall enforce 166.20 (2) to (7). In any action commenced under this paragraph, the Department of Justice may request the assistance of the district attorney for the county in which the violation is alleged to have occurred and the district attorney shall provide the requested assistance.

AB 316 amends current law to specify that alleged violations of 166.20 occurring within the boundaries of a federally recognized Indian reservation or on land that is held in trust by the federal government for the benefit of an American Indian tribe or band may be enforced only by the department of justice.

In recent years, the Department of Justice has handled few cases resulting from violations of 166.20. The department has little reason to believe the number of cases it will handle relating to 166.20 will change significantly in future years. As a result, DOJ does not anticipate a fiscal impact due to AB 316 placing enforcement responsibility for certain violations of 166.20 solely within DOJ. However, if the number of those particular violations should unexpectedly increase substantially, the department will require additional resources to bring the corresponding enforcement actions relating to those violations.

Long-Range Fiscal Implications