

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB319)

Received: 07/14/2009

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Frederick Kessler (608) 266-5813

By/Representing:

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: YES

Requester's email: Rep.Kessler@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Structural collapse reimbursement

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>
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	melson2 07/15/2009	csicilia 07/15/2009		_____			

FE Sent For:

<END>

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/1	rnelson2	/1 gjs 7/15 09		MD 7/15			

FE Sent For:

<END>

Nelson, Robert P.

From: Sweet, Richard
Sent: Monday, July 13, 2009 11:18 AM
To: Hinkel, Andy
Cc: Shannon, Pam; Milsap, Randi - DMA; Nelson, Robert P.; Barry, Sarah; Williams, Vincent
Subject: FW: AB 319

Andy,

Good catch on your part in pointing out that AB 319 doesn't make sense as drafted. There would be no money for WEM to reimburse regional teams under any of the 3 scenarios on page 2, lines 16 to 22. There was a flurry of e-mail last week between Bob Nelson and me regarding the issue (see below). Pam and I just discussed the issue with Randi Milsap, the attorney with DMA. Based on that conversation, we think that the following language would clear up the problem:

Delete page 2, lines 14 to 22, and substitute: "Reimbursement under this subsection is available only if the regional structural collapse team has identified the person responsible under sub. (3) and provided that information to the division."

I cc'ed both Randi and Bob on this so that they could review the language. I also added in Sarah and Vince to keep them in the loop.

Dick

From: Nelson, Robert P.
Sent: Friday, July 10, 2009 8:26 AM
To: Sweet, Richard
Cc: Shannon, Pam; Ryan, Robin
Subject: RE: AB 319

Monday could be okay, but not if Randi is gone next week. Could Pam check today. (Friday)

Bob

From: Sweet, Richard
Sent: Thursday, July 09, 2009 4:58 PM
To: Nelson, Robert P.
Cc: Shannon, Pam
Subject: RE: AB 319

I'm going to be out tomorrow. Do you want to have Pam check with Randi? Or can it wait until Monday?

Dick

From: Nelson, Robert P.
Sent: Thursday, July 09, 2009 4:50 PM
To: Sweet, Richard
Cc: Ryan, Robin
Subject: RE: AB 319

But then sub. (3), renumbered sub. (4) in the bill does not make any sense. How can the division get reimbursement from the person if the responsible person has already reimbursed the team "to the extent that the person is financially able"? Lets talk tomorrow after you or Pam has found out how it really works from Randi. Who collects the money, the division or the team?

From: Sweet, Richard
Sent: Thursday, July 09, 2009 4:37 PM
To: Nelson, Robert P.
Subject: RE: AB 319

Actually, I think that provision makes sense since it says that you tap the state appropriation line if a responsible party isn't identified or doesn't have enough money. But it doesn't make sense for the structural collapse teams since there is no appropriation line.

From: Nelson, Robert P.
Sent: Thursday, July 09, 2009 4:33 PM
To: Sweet, Richard
Subject: RE: AB 319

Do you think we should contact Randi first. See s. 166.215 (2); the last sentence. That seems to have the same problem, and that is still in the bill on p. 63.

From: Sweet, Richard
Sent: Thursday, July 09, 2009 4:24 PM
To: Nelson, Robert P.
Cc: Shannon, Pam; Ryan, Robin
Subject: RE: AB 319

I think this is a definite improvement, although I don't think we need the change on lines 21 and 22. The responsible party is giving the money to WEM, but the ultimate recipient is the regional team.

Dick

From: Nelson, Robert P.
Sent: Thursday, July 09, 2009 3:45 PM
To: Sweet, Richard
Subject: RE: AB 319

Dick,

I looked at the bill history and I think that the problem is on page 2, lines 18 and 19. The language is what Randi gave us, but I think it should read something like:

"(b) Identified the person responsible under sub. (3) and provided that information to the division." Then page 3, line 1 should be changed to:

"(3) A person identified under sub. (2) (b) shall pay the division the amount of the costs incurred...."

I think that will require the team to identify the responsible party, have the division collect from that person, and then the division reimburses the team for their costs.

There is also a problem with page 2, lines 21 and 22. The last phrase should read: "...resources to pay the division."

What do you think?

Bob

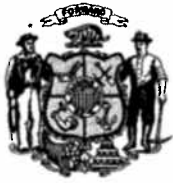
From: Sweet, Richard
Sent: Thursday, July 09, 2009 2:43 PM
To: Shannon, Pam; Nelson, Robert P.; Ryan, Robin
Subject: AB 319

Pam and I spoke with Andy after our meeting and it seems to me that what he was saying about AB 319 makes sense (but I'm willing to be convinced otherwise). Page 2, line 13 says that WEM only has to reimburse regional teams for the amount collected under sub. (3). The rest of the page says that regional teams have to do one of 3 things. However, it doesn't look like WEM will be collecting any money from any responsible parties under any of the 3 scenarios, so they won't ever have to reimburse a team.

What do you think?

Dick Sweet

Senior Staff Attorney
Wisconsin Legislative Council
(608)266-2982
richard.sweet@legis.wisconsin.gov



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**ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 319**

Bill
Wanted

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 4: after "division." insert "Whenever a regional structural
3 collapse team assists in ⁿ an emergency response under this subsection, it shall
4 determine under the rules promulgated under sub. (5) whether an emergency
5 requiring the team's response existed. If the regional structural collapse team
6 determines that such an emergency existed, it shall make a good faith effort to
7 identify the person who is required to reimburse the division under sub. (3) and
8 ^{shall} provide that information to the division."

9 **2.** Page 2, line 14: delete lines 14 to 22 and substitute "Reimbursement under
10 this subsection is available only if the regional structure collapse team has identified
11 the person who is required to reimburse the division under sub. (3) and provided that
12 information to the division."

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

LRBa0565/1dn

RPN:/:....

js

— date —

impose
This ~~draft~~ is significantly different than the one proposed earlier because we had to ~~provide~~ requirements on the teams and remove language that required the teams to determine financial responsibility, which is not their responsibility. Dick Sweet has reviewed this draft.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

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

LRBa0565/1dn
RPN:cjs:md

July 15, 2009

This draft is significantly different than the one proposed earlier because we had to impose requirements on the teams and remove language that required the teams to determine financial responsibility, which is not their responsibility. Dick Sweet has reviewed this draft.

Robert P. Nelson
Senior Legislative Attorney
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E-mail: robert.nelson@legis.wisconsin.gov