ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2005 ASSEMBLY BILL 1028

February 27, 2006 – Offered by Representative Nerison.

AN ACT *to create* 20.465 (3) (b) and (s), 166.02 (6u) and 166.03 (2) (b) 9. of the statutes; **relating to:** payments to local governmental units for natural disasters, granting rule–making authority, and making appropriations.

Analysis by the Legislative Reference Bureau

Currently, the Division of Emergency Management in the Department of Military Affairs (DMA) provides grants to counties for emergency management programs, including programs related to hazardous substance releases and planning and responding to natural disasters. Funding for these programs comes from federal, state, and county funds and from fees paid by private businesses. The adjutant general of DMA provides the state share of grants to individuals and contributions to local governments for major disaster recovery assistance in the event of a presidential disaster declaration.

This substitute amendment allows the adjutant general, based on rules promulgated by DMA, to make payments to local units of government for the damages and costs they incurred as the result of a major catastrophe if the governor requests a presidential disaster declaration and that declaration is denied. Under

the substitute amendment the local unit of government is required to contribute 30 percent of the amount of the damages and costs resulting from the disaster.

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

1 **Section 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert 2 the following amounts for the purposes indicated: 3 2005-06 2006-07 4 20.465 Military affairs, department of 5 (3) **EMERGENCY MANAGEMENT SERVICES** 6 (b) Major disaster assistance GPR -0-Α -0-7 (s) Major disaster assistance; petro-8 leum inspection fund SEG Α 3,000,000 3,000,000 9 **Section 2.** 20.465 (3) (b) and (s) of the statutes are created to read: 20.465 (3) (b) Major disaster assistance. The amounts in the schedule to 10 provide payments under s. 166.03 (2) (b) 9. for damages and costs incurred as the 11 12 result of a major disaster. (s) Major disaster assistance; petroleum inspection fund. From the petroleum 13 14 inspection fund, the amounts in the schedule to provide payments for damages and 15 costs incurred as the result of a major disaster. 16 **SECTION 3.** 166.02 (6u) of the statutes is created to read: 17 166.02 **(6u)** "Major catastrophe" means a disaster, including a drought, earthquake, flood, high water, high wind, hurricane, landslide, mudslide, 18 19 snowstorm, or tornado, that results in the governor requesting a presidential 20 declaration of a major disaster under 42 USC 5170.

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SECTION 4. 166.03 (2) (b) 9. of the statutes is created to read:

166.03 (2) (b) 9. From the appropriations under s. 20.465 (3) (b) and (s), make payments to local governmental units, as defined in s. 19.42 (7u), for the damages and costs incurred as the result of a major catastrophe if federal disaster assistance is not available for that catastrophe because the governor's request that the president declare the catastrophe a major disaster under 42 USC 5170 has been denied. To be eligible for a payment under this subdivision, the local governmental unit shall pay 30 percent of the amount of the damages and costs resulting from the natural disaster. The department of military affairs shall promulgate rules establishing the application process and the criteria for determining eligibility for payments under this subdivision.

SECTION 5. Effective date.

(1) This act takes effect retroactively to January 1, 2005.

14 (END)