



2021 ASSEMBLY BILL 1025

February 17, 2022 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Rules.

1 **AN ACT** *to amend* 20.465 (3) (t), 321.66 (1) (a) 1., 321.66 (1) (a) 2., 323.14 (1) (b)
2 2., 323.45 (1) (a) and 323.60 (11) (c) of the statutes; **relating to:** providing
3 equipment under 1989 Wisconsin Act 31, hazardous substances safety data
4 sheets, and the designation of a head of emergency management for cities,
5 villages, and towns (suggested as remedial legislation by the Department of
6 Military Affairs).

Analysis by the Legislative Reference Bureau

One-time purchase of equipment under 1989 Wisconsin Act 31

Under current law, the Department of Military Affairs emergency response training appropriation provides that one of the allowed expenditures is to provide equipment under 1989 Wisconsin Act 31. This bill removes that language as the one-time purchase of such equipment has been completed.

Safety data sheets

Current law relating to hazardous substances information and emergency planning refers to “material safety data sheets.” This bill removes the word “material” to conform the statute with current federal terminology.

County, city, village, and town heads of emergency management

Under current law, each county board must designate a head of “emergency management” and the governing body of each city, village, or town must designate

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a head of “emergency management services.” This bill provides that the governing body of each city, village, or town must designate a head of “emergency management,” consistent with what is required of county boards, and also changes other statutory references to be head of “emergency management” for consistency.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Military Affairs and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 20.465 (3) (t) of the statutes is amended to read:

2 20.465 (3) (t) *Emergency response training — environmental fund.* Biennially,
3 from the environmental fund, the amounts in the schedule for the division of
4 emergency management to provide training for emergency response to releases of
5 hazardous substances and for providing equipment under 1989 Wisconsin Act 31,
6 ~~section 3039 (1q).~~

NOTE: This SECTION repeals obsolete authority regarding the use of amounts in the environmental fund.

7 **SECTION 2.** 321.66 (1) (a) 1. of the statutes is amended to read:

8 321.66 (1) (a) 1. A search and rescue mission designated by the U.S. air force
9 rescue coordination center; the governor; the adjutant general; or the governing
10 body, chief or acting chief executive officer, or head of emergency management
11 services of any county, city, village, town, or federally recognized American Indian
12 tribe or band in this state.

13 **SECTION 3.** 321.66 (1) (a) 2. of the statutes is amended to read:

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1 321.66 (1) (a) 2. An operation to provide disaster relief or humanitarian
2 services, when requested by the federal emergency management agency; the first air
3 force of the U.S. air force; the Civil Air Patrol national operations center; the
4 governor; the adjutant general; the governing body, chief or acting chief executive
5 officer, or head of emergency management services of any county, city, village, town,
6 or federally recognized American Indian tribe or band in this state; or, in the case of
7 a public health emergency, as defined in s. 323.02 (16), the department of health
8 services, if that department is designated by the governor under s. 323.10, or a local
9 health department acting under s. 251.05 (3) (e).

10 **SECTION 4.** 323.14 (1) (b) 2. of the statutes is amended to read:

11 323.14 (1) (b) 2. The governing body of each city, village, or town shall designate
12 a head of emergency management services.

13 **SECTION 5.** 323.45 (1) (a) of the statutes is amended to read:

14 323.45 (1) (a) Under the direction of the governor, the adjutant general, the
15 governing body, chief or acting chief executive officer, or head of emergency
16 management services of any local unit of government or federally recognized
17 American Indian tribe or band in this state, the department of health services if that
18 department is designated by the governor under s. 323.10, or the local health
19 department acting under s. 251.05 (3) (e).

NOTE: SECTIONS 2 to 5 change statutory references from “head of emergency
management services” to “head of emergency management” to provide consistency with
other such references in current law.

20 **SECTION 6.** 323.60 (11) (c) of the statutes is amended to read:

21 323.60 (11) (c) Any person who violates sub. (5) (e) or (f) or the material safety
22 data sheet requirements of 42 USC 11021, as applied under sub. (5) (c), or any rule

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SECTION 6

1 promulgated under sub. (5) (e) or (f) or concerning ~~material~~ safety data sheet
2 requirements shall forfeit not less than \$50 nor more than \$10,000.

NOTE: This SECTION changes statutory references from “material safety data sheets” to “safety data sheets” in order to reflect current practice by the Department of Military Affairs.

3 (END)