



State of Wisconsin \ DEPARTMENT OF MILITARY AFFAIRS
Wisconsin Emergency Management

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August 30, 2006

The Honorable Alan J. Lasee
President of the Senate
Room 220 South, State Capitol
PO Box 7883
Madison, WI 53707-7882

The Honorable John Gard
Speaker of the Assembly
Room 211 West, State Capitol
PO Box 8952
Madison, WI 53708

RE: Submission of proposed rule WEM 7 to the legislature

Dear President Lasee and Speaker Gard:

This is to notify you that the final draft of Clearinghouse Rule 06-088, relating to the application process and criteria for determining eligibility for payments to local units of government for damages and costs incurred for major catastrophes, has been delivered to the Senate Chief Clerk and the Assembly Chief Clerk for referral to the appropriate standing committee.

Public hearings were held on the emergency rule and the proposed permanent rule as required under ss. 227.17 and 227.18, Wis. Stats. The hearings were held on the following dates at the indicated cities: August 14, 2006 in Milwaukee; August 14, 2006 in Appleton; August 15, 2006 in Madison; August 15, 2006 in La Crosse; August 16, 2006 in Wausau; and August 17, 2006 in Rice Lake. The deadline for written comments on the proposed rule was August 17, 2006. A total of 18 persons attended the six hearings and 10 individuals spoke in favor of the proposed rule at the hearings. Written comments were received from 7 persons. Of special note, no person registered or appeared against the proposed rule.

The public testimony and written comments consisted of two themes to be reflected in modifications to the proposed rule. These themes included: 1) the need to incorporate tribal governmental units as eligible applicants who can apply on their own for assistance and; 2) the desire to include a bottom line eligibility threshold so that local governmental units would be able to determine if the disaster costs they have incurred would qualify for assistance from the disaster fund. All public comments were reviewed and addressed as indicated below.

The proposed rule was modified in Section 7.02 (9) and (13) to define tribes or bands and include them in the definition for local governmental units. Language in Section 7.04 (2) and (3) has been changed to provide tribes the opportunity to apply for funding on their own. Regarding the second concern, a bottom line threshold was added to Section 7.03 (1) (e) of the proposed rule.

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Lastly, to address the comments made by the Wisconsin Legislative Clearinghouse, all suggested revisions were made to the proposed rule. These revisions resulted in the elimination of two Sections and renumbering the remaining Sections, 7.01 through 7.09.

If you have any substantive questions regarding the proposed rule, please contact Diane Kleiboer, Disaster Recovery Supervisor, Wisconsin Emergency Management at (608) 242-3200.

Sincerely,

Johnnie L. Smith
Administrator

Enclosures

Cc: Diane Kleiboer, Disaster Recovery Supervisor, WEM
Randi Wind Milsap, Legal Counsel