1   AN ACT *to amend* 166.02 (6u) and 166.03 (2) (b) 9. of the statutes; **relating to:** the

2   state disaster assistance program and making an appropriation.

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

> JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Special Committee on Emergency Management and Continuity of Government.
>
> The draft makes the following changes to the state disaster assistance program:
>
> 1. Currently, the statute governing the program makes funds available to local units of government for costs incurred as the result of a major catastrophe, if a request for a presidential disaster declaration is denied or if the catastrophe does not meet threshold criteria for requesting a declaration. However, the current definition of "major catastrophe" only refers to the situation in which the governor requests a presidential declaration, not where the governor determines that the disaster does not meet the federal criteria for making the request. The draft amends the definition to include both situations.
>
> 2. The program is currently limited to natural disasters. The draft would extend the program to cover disasters that are human−caused as well.
>
> 3. The statute governing the program provides funding to local units of government, while the administrative rules for the program also make Wisconsin Indian tribes and bands eligible for program funds. To clarify that tribal governments may apply for program funds, the draft adds a reference to federally recognized Indian tribes and bands in the statute.
>
> 4. The disaster assistance fund currently consists of: a continuing segregated (SEG) appropriation which has been funded; and (2) a general purpose revenue (GPR) appropriation to which no funds have been appropriated since the program's inception. The draft would provide $1 million GPR in each year of the 2009−11 biennium for disaster assistance payments.

3   **SECTION 1.** 166.02 (6u) of the statutes is amended to read:

1　　166.02 **(6u)** "Major catastrophe" means a disaster, including a drought, earthquake,

2　　flood, high water, high wind, hurricane, landslide, mudslide, snowstorm, or tornado, <u>or a</u>

3　　<u>human−caused disaster</u> that results in the governor requesting a presidential declaration of a

4　　major disaster under 42 USC 5170 <u>or determining that the state does not meet federal threshold</u>

5　　<u>criteria for requesting a declaration</u>.

6　　**SECTION 2.** 166.03 (2) (b) 9. of the statutes is amended to read:

7　　166.03 **(2)** (b) 9. From the appropriations under s. 20.465 (3) (b) and (s), make payments

8　　to local governmental units, as defined in s. 19.42 (7u), <u>and to federally recognized American</u>

9　　<u>Indian tribes and bands in this state</u> for the damages and costs incurred as the result of a major

10　　catastrophe if federal disaster assistance is not available for that catastrophe because the

11　　governor's request that the president declare the catastrophe a major disaster under 42 USC

12　　5170 has been denied or because the disaster does not meet the statewide or countywide per

13　　capita impact indicator under the public assistance program that is issued by the federal

14　　emergency management agency. To be eligible for a payment under this subdivision, the local

15　　governmental unit<u>, or tribe or band</u> shall pay 30 percent of the amount of the damages and costs

16　　resulting from the ~~natural~~ disaster. The department of military affairs shall promulgate rules

17　　establishing the application process and the criteria for determining eligibility for payments

18　　under this subdivision.

19　　**SECTION 3. Fiscal changes; military affairs.**

20　　(1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the

21　　department of military affairs under section 20.465 (3) (b) of the statutes, as affected by the

22　　acts of 2007, the dollar amount is increased by $1,000,000 for fiscal year 2009−10 and the

23　　dollar amount is increased by $1,000,000 for fiscal year 2010−11 for the disaster assistance

24　　program under s. 166.03 (2) (b) 9.

1   **SECTION 4. Effective date.**

2   (1) The treatment of SECTION 3 takes effect on the second day after publication of the

3   2009−11 biennial budget act or on the day after publication of this act, whichever is later.

4   **(END)**