

**LaFollette School of Public Affairs**  
**Seminar on Midwest Floods of 2008**  
**April 20, 2009**

**PRESENTATION BY REPRESENTATIVE JOAN BALLWEG**

**Vice-Chair, Special Committee on Emergency Management  
and Continuity of Government**

I'm very pleased to be part of this comprehensive review of policy and the impact of the flooding of 2008. My comments are not a direct review of policy related to flooding but more of an overview of Emergency Management issues in general and the specific policy changes the legislature may be looking to enact.

One of the earlier questions asked about the value of policy for floods and how it relates to other emergencies. I would give you the example of the Falk explosion in Milwaukee about two years ago. The City of Milwaukee Emergency Management Director told my Assembly standing committee that they used their prior emergency incident planning to respond to the explosion, and they were able to make improvements to their plan because of the incident. He attributed their quick and smooth response to that planning.

My involvement and background in this area began over four years ago. Speaker Gard, at the urging of Rep. Kitty Rhodes named the Speakers Task Force on Avian Flu during the winter of 2004-05. After several meetings it was felt that to address this, there was need to address the broader topic of emergency preparedness. During the 2006 Interim a Special Legislative Committee on Disaster Preparedness Planning was approved and this past year, the Special Legislative Committee on Emergency Management and Continuity of Government, which I will be reviewing for you today.

First a little more explanation on the Special Legislative Committee process. The **Joint Legislative Council** is a 22-member legislative committee made up of 11 Senators and 11 Representatives, including all of the legislative leaders in the two houses and parties. Every two years, the Council appoints special committees to study issues in depth, develop legislative recommendations, and report

these recommendations back to the Council in the form of draft legislation. The topics for these are suggested by legislators, agencies and interested parties. In the 2006 Interim session 20 committees were approved, in the 2008 Interim session there were 13 committees. The goal is to have the work started in the summer, and try to finish before the new term begins. These **special committees** are comprised of legislators and citizen members who have expertise in the subject being studied. Two years ago, I served as chair of a study committee on disaster preparedness.

I understand there were over eighty study committees proposed for the 2008 interim. Legislative Staff proposed the recodification of ch 166. I proposed the Legislative Continuity item and the Council established the **Special Committee on Emergency Management and Continuity of Government** last year. Committee membership included 4 legislators and 8 public members. Senator Robert Jauch served as Chair and I was the Vice-Chair. The 4 legislators all had considerable experience in emergency management issues. The 8 public members represented various sectors of the emergency management system, including firefighting, law enforcement, state and local emergency management agencies, emergency medicine, hospital preparedness, and disaster relief. Public members represented both urban and rural areas and came from around the state. Many of the full committee meetings are available on Wisconsin Eye.

Following is the link to the committee which contains minutes, roster, reports and letters received, legislation proposed and the votes taken.

HYPERLINK "http://www.legis.state.wi.us/lc/committees/study/2008/EGOV/index.htm"  
<http://www.legis.state.wi.us/lc/committees/study/2008/EGOV/index.htm>

The **Special Committee** was directed to do three things:

Recodify ch. 166, the emergency management chapter of the statutes, to modernize and reorganize the chapter and make needed substantive changes.

Recommend statutory language on issues relating to continuity of legislative operations, including lines of succession, alternate seat of government for the Legislature, and virtual participation in legislative sessions.

Review the Uniform Emergency Volunteer Health Practitioners Act for possible adoption in Wisconsin.

The committee held its first meeting in July 2008 and established a drafting subcommittee to work on the recodification of ch. 166, a subcommittee on legislative continuity issues, and a working group to review the uniform act. The subcommittees and working group met several times and reported legislative recommendations to the full committee. Subcommittee meetings were attended by Legislative Council Staff, Legislative Drafters, myself, Rep. Schneider, counsel and staff from many government agencies including Administration, Health Services, DATCAP, Natural Resources, Justice Assistance, Wisconsin Emergency Management, county and municipal interests. The help of Military Affairs Counsel Randi Milsap was instrumental in this process and she should be commended. The full committee held its final meeting on April 2, and voted to recommend several pieces of legislation to the Joint Legislative Council.

The Special Committee was assisted by various **legislative support staff**, including two Legislative Council senior staff attorneys assigned to the committee, Pam Shannon and Dick Sweet. Two drafting attorneys from the Legislative Reference Bureau (LRB), and personal staff to the chair and vice-chair. The subcommittees and working group were also assisted by staff from the various agencies affected by the recodification and the Chief Clerks of both legislative houses.

The LRB has nearly completed its work drafting the various legislative recommendations made by the committee. In mid-May, Senator Jauch and I will report the committee's recommendations to the Joint Legislative Council. I'll describe that process later in my remarks.

Committee recommendations generally take the form of draft legislation. The Special Committee voted to recommend to the Joint Legislative Council the following 6 pieces of draft legislation:

**LRB-0166/P6:** This is the main ch. 166 emergency management recodification draft. It recodifies current ch. 166 and renumbers the new chapter as ch. 323, Stats. The draft contains provisions on diverse subjects relating to emergency management, including:

Liability and licensure of emergency volunteers.

State disaster assistance program changes.

Three provisions relating to agricultural emergencies.

Computation of school days when school is closed because of emergencies.

Variations for statutory and rule requirements governing hospitals during emergencies.

Public works mutual assistance.

Emergencies relating to computer or telecommunications systems.

**LRB-2345/P1** contains the following legislative continuity provisions:

Interim successors for legislators.

Virtual legislative sessions and committee meetings.

Temporary seat of government for the legislature.

**LRB-2572/1** is a joint resolution proposing an amendment to the Wisconsin Constitution to remove archaic language regarding continuity of government only in emergencies “resulting from enemy action in the form of an attack.”

**LRB-2409/P1** appropriates \$1 M in general purpose revenue (GPR) in each year of the upcoming biennium for the state disaster relief program.

**WLC: 0375/2** relates to local levy limits and the expenditure restraint program. The draft provides exceptions to current laws relating to the amount a political subdivision levies to pay the unreimbursed expenses related to a declared emergency.

**LRB-2230/P2** puts in place the statutes relating to regional structural collapse teams. Funding for the teams, in addition to billing the responsible party for a collapse, may come at a later time. Various funding sources are being considered.

A few details on several of these proposals. We all would expect the Legislature to do the right thing in the event of emergency, and some would say, it’s not a bad thing when legislators are not in Madison, but there may be issues that need to be addressed in a time of emergency. The trigger for succession would be 25% of the legislators unavailable. Issues of quorum, representation and leadership are addressed.

We must embrace technology to be able to meet in the case of a pandemic or other disaster. A constitutional amendment is required to allow the legislature to meet at an alternate location other than

the Capitol if necessary.

Now that the committee has had its final meeting, the proposals follow the legislative process. Currently, LRB is finalizing drafting of the five bills and the joint resolution.

Legislative Council attorneys are preparing a committee report describing the committee's deliberations and the proposed legislation, which will be presented by the chair and vice chair of the Special Committee to the Joint Legislative Council at a meeting on May 13, 2009. Copies of the report will be available a few days in advance of that meeting on the committee's website at:

<http://www.legis.state.wi.us/lc/committees/study/2008/EGOV/index.htm>

The Legislative Council Committee will vote on whether to introduce the five bills and the joint resolution during the legislative session. They will probably take up the five bills separately, but may decide to combine some or all of the bills they approve into a single bill for convenience.

When introduced, the bills and joint resolution will be referred to one or more Senate standing committees (because the chair is a Senator) and will go through the legislative process just like any other bills. I will ask that a companion Assembly Bill be introduced as well, to help expedite the proposal through the legislative process.

Once introduced, the bills and joint resolution may be tracked on the legislature's bill tracking system, just like any other legislation. HYPERLINK "http://notify.legis.state.wi.us/Home.aspx"  
<http://notify.legis.state.wi.us/Home.aspx>

These bills and joint resolution will indicate that they were introduced by the Joint Legislative Council. Historically, legislation introduced by the Council has had a better passage rate than other bills.

This concludes my review of the Special Committee, but I'd like to review what has been happening with the FEMA Region V Regional Advisory Council (RAC). Regional and National Advisory Councils were mandated by Congress as part of the review of the response to Hurricane Katrina. Region V consists of six states; Wisconsin, Minnesota, Illinois, Ohio, Indiana and Michigan. Each state has three or four state members on the RAC. Johnnie Smith, WEM Administrator, a county EM director, and I are the three Wisconsin representatives. Most of those on the committee are emergency

management professionals, but I am the only legislator. There is an emergency medical services professor and there is also a Public Health Administrator from Indiana.

Several of the concerns I've heard mentioned during the seminar today are also items that have been issues for the RAC. First, I serve on the Public/Private Partnership Sub-committee. We need to work with business to help government in time of emergency, but also need to prepare so that business can get back to work in times of emergency. I believe we also need to partner with VOAD's with the research and information that is available and distributed to the public. Not every state and federal agency needs to develop their own materials. There are other private resources for preparation. The Institute for Business and Home Safety is subsidized by the Insurance industry, but I find their publication OPEN FOR BUSINESS is an excellent template for business continuity planning.

Second is the concern over public expectations. Education of the public is needed so they are aware that preparedness is their responsibility too.

Third, both the RAC and the National Advisory Council (NAC) have subcommittees on Stafford Grants. The purpose is to review the application and formulas to better work for local and county governments.

Fourth, we need to provide better descriptions and information regarding FEMA applications. I have asked the RAC to have a way to advise business as to the qualifications necessary and ability to receive aid through the Small Business Administration. I heard from businesses in my district that were impacted by the floods last June, and how misleading they felt the application process was. FEMA Region V administrators have assured me they will look into and solve this application process.

I would invite any of you involved in emergency planning or management to feel free to contact me with any related suggestions or concerns. I am your direct link to Region V RAC. E-mail HYPERLINK "mailto:Rep.Ballweg@legis.wi.gov" [Rep.Ballweg@legis.wi.gov](mailto:Rep.Ballweg@legis.wi.gov).

In closing, I hope you are more aware of the legislative initiatives that will come before the Wisconsin Legislature in this term, I appreciate your attention and questions. Thank you.