

Chapter T

Veterans and Military Affairs and Emergency Management

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The Wisconsin **Department of Veterans Affairs** (DVA) provides a variety of benefits and services to eligible veterans of the U.S. Armed Forces, and, in some instances, their family members, as well as assistance in filing claims for federal veterans benefits. DVA also operates two veterans homes, three veterans cemeteries, and a veterans museum.

The Wisconsin **Department of Military Affairs** (DMA) oversees the operations of the Wisconsin National Guard, whose state mission is to help civil authorities protect life and property and preserve peace, order, and public safety in times of natural and human-caused disasters and emergencies. DMA also administers the state's emergency management system through its **Division of Emergency Management**.

Veterans Affairs

The DVA is governed by a seven-member citizen Board of Veterans Affairs comprised entirely of veterans, including at least two Vietnam War veterans. Board members are appointed by the Governor with the advice and consent of the Senate. The Board in turn appoints the cabinet-level department secretary. Chapter 45, Stats., governs state veterans programs and services. Chapters VA 1-18, Wis. Adm. Code, contain DVA's administrative rules.

The Council on Veterans Programs is comprised of representatives of organizations that have a direct interest in veterans affairs. The Council advises the Board and DVA on solutions and policy alternatives relating to the problems of veterans. The Council and the department, jointly or separately, are required to submit a biennial report to the Legislature, including a general summary of the activities and membership of the Council and each organization represented on the Council over the past two years.

Under state law, each county must have a county veterans service officer (CVSO) and provide the CVSO with office space and clerical assistance. The DVA provides grants to counties for maintaining and operating county veterans service offices. The primary duties of CVSOs are to advise veterans of state and federal benefits and services to which they may be entitled and assist them in applying for those benefits and services. CVSOs also may provide information to members of the National Guard and Reserves and their families about benefits to which they may be entitled, necessary military points of contact, and general deployment information. A number of Wisconsin tribes and bands have tribal veterans service officers (TVSOs). A link to a listing of all CVSOs and TVSOs is available at <http://dva.state.wi.us/cvso>.

DVA has a toll-free number for information about veterans benefits at: (800) WIS-VETS [(800) 947-8387].

DVA's executive assistant is the agency's chief legislative liaison and can provide assistance with constituent and legislative inquiries and direct people to other sources of information on veterans programs and services. The executive assistant may be reached at (608) 266-1315. DVA's website is: <http://dva.state.wi.us> and has comprehensive information about veterans programs benefits and services. In addition, DVA produces a biennial guide to all state veterans programs and services, which may be accessed on the DVA website.

State Veterans Programs and Services

Wisconsin veterans are eligible for a number of benefits and services that are in addition to those provided by the U.S. Department of Veterans Affairs (U.S. DVA). State veterans programs are available in such areas as housing, education, employment, health care, subsistence aid, and transportation. The following discussion provides an overview of major programs; more extensive information about these and other benefits and services is available on the DVA website listed above.

Eligibility Requirements

To receive state veterans benefits and services, a veteran must meet certain general eligibility requirements relating to military service and state residency which are set forth in state statutes. Family members of deceased or disabled veterans may also be eligible for certain benefits. Some veterans programs have additional requirements.

Information on eligibility for specific state veterans programs, and applications, are available on the DVA website at: <http://www.dva.state.wi.us/benefits.asp> or from the CVSO offices.

Military Service. To fulfill the military service requirement for receipt of most veterans benefits, a person must have served for one of the statutorily specified periods of active duty (other than active duty for training purposes) under honorable conditions in the U.S. Armed Forces or in forces incorporated in the Armed Forces. For example, veterans who have served for 90 days in the Iraq war are eligible for benefits. Formerly, eligible military service for purposes of veterans benefits was limited to service occurring during certain war or designated conflict periods. In 1997, eligibility was expanded to include peacetime veterans. Peacetime veterans are those who have served on active duty in the U.S. Armed Forces for two or more continuous years or the full period of their service obligation, whichever is less.

State Residency. With certain exceptions, to be eligible for benefits, a veteran must be a resident of Wisconsin and living in the state at the time of making an application. If a family member of a deceased veteran is applying for benefits, the veteran from whom the applicant derives eligibility must meet one of the following conditions:

1. The veteran's selective service local board, if any, and home of record at the time of entering service (as shown on the separation-from-service or "DD-214" report) were in Wisconsin.
2. The veteran was a resident of Wisconsin at the time of entry into active duty.

3. The veteran was a resident for any consecutive 12-month period after entry and before the date of application for benefits or death.

Veterans who are otherwise eligible and are serving on active duty do not have to be living in Wisconsin on the date of application to qualify for DVA benefits. If DVA once determines that a veteran meets the 12-month residency requirement, the veteran never has to reestablish that he or she meets the residency requirement when applying for any other benefit that requires that residency. Certain programs require that the veteran have entered service from Wisconsin.

Funding

The Veterans Trust Fund finances many programs and services for Wisconsin veterans including, for example, education grants, retraining grants, home mortgage and home improvement loans, state veterans cemeteries, and others. In addition to funding these veterans programs and services, appropriations from the Veterans Trust Fund are also used for the cost of salaries and fringe benefits, supplies, and services related to the administration of veterans programs. State taxpayers may contribute to the Veterans Trust Fund by designating an amount on the Wisconsin individual or corporate income tax form.

Veterans Loan Programs

The DVA administers several loan programs to improve housing purchase opportunities and provide home improvement assistance and access to multi-purpose, low-cost loans for veterans.

Veterans Primary Housing Loan Program

Housing and Home Improvement Loans

The Veterans Primary Housing Loan Program provides fixed-rate mortgage loans to qualifying state veterans to purchase or construct a home. Members of the National Guard and Reserves who have served for six consecutive years and who are living in the state at the time of application are also eligible for the program. DVA is the program lender, with funding for loans coming from the proceeds of state bond issuances. The state program is separate from the federal Home Loan Program administered by the U.S. DVA. Veterans must make a down payment on the home of at least 5%, unless the veteran is totally and permanently disabled. The loan principal amount may not exceed 2-1/2 times the median sales price of a Wisconsin home. The loan must be secured with a mortgage on the property and the home may be the veteran's primary or secondary residence.

Home Improvement Loan Program

Under the Home Improvement Loan Program, veterans may borrow up to 90% of their home's equity for additions, construction of a garage, repairs, and remodeling.

Personal Loan Program

Personal Loans

The Personal Loan Program provides multi-purpose, low-interest loans of up to \$25,000 to eligible veterans or the unremarried surviving spouse or child of a deceased veteran. A remarried spouse or parent of a veteran's child may be eligible for a loan to pay for the education of the veteran's children.

Veterans Education Benefits

Wisconsin provides a number of education benefits for state veterans that are in addition to available federal benefits. The various programs have different eligibility criteria, including varying state residency requirements.

Tuition Residency for Wisconsin Veterans

Wisconsin law provides that an eligible veteran who entered active duty from Wisconsin but who is nonetheless considered a non-resident for tuition purposes by the University of Wisconsin (UW) System is entitled to a 100% remission of non-resident tuition. The person must meet the definition of “veteran” in ch. 45, Stats., and be a resident of and living in Wisconsin at the time of registering at an institution. The remission of non-resident fees does not apply to Wisconsin Technical College System (WTCS) schools because eligible veterans in the WTCS are granted statutory residency status.

Wisconsin GI Bill

DVA information about the Wisconsin GI Bill and applications are available at: www.WisVets.com/Education.

The Wisconsin GI Bill provides a 100% waiver (“remission”) of tuition and fees for eligible veterans and their dependents for up to eight full-time semesters or 128 credits, whichever is longer, at any UW System or WTCS institution. The remission applies to both undergraduate and graduate level study.

Remission for Veterans. To be eligible for the tuition remission, the veteran must be verified by DVA as being a Wisconsin resident for purposes of receiving state veterans benefits, as having been a Wisconsin resident at the time of entry into the Armed Forces, and as meeting any one of a number of service-related conditions. An eligible veteran who entered the service as a Wisconsin resident but is nonetheless considered by the UW System to be a non-resident for tuition purposes is also eligible to receive 100% remission of the non-resident portion of the tuition.

UW System has a “Frequently Asked Questions” (FAQs) document concerning the Wisconsin GI Bill at: http://www.uwsa.edu/acss/student/WI_GI_Bill_FAQs.htm?_.

The veteran must submit both an application for GI Bill benefits to the educational institution and a form requesting certification of eligibility to DVA. DVA determines the eligibility of the veteran and notifies the institution of its determination. There is no time limit within which the benefit must be used and the veteran may attend school full-time or part-time.

Remission for Family Members. Spouses, unremarried surviving spouses, and children of veterans who entered service from Wisconsin may also receive the tuition remission if the veteran died in the line of duty while in active, National Guard, or Reserves service or received at least a 30% service-connected disability rating. These spouses and children must be resident students (interpreted as residents for tuition purposes) and may receive the remission only during the first 10 years following the veteran’s death or receipt of disability rating. For an unremarried surviving spouse of an eligible veteran who had a child with the veteran, the remission applies until 10 years after the youngest child that the spouse had with the eligible veteran reaches or would have reached 18 years of age, or during the first 10 years after the veteran died, whichever is longer. The child of an eligible veteran may receive the remission if the child is at least 17 but not yet 26 years of age.

Federal Post 9/11 GI Bill

Information about the Federal Post 9/11 GI Bill is available at:
www.WisVets.com/Education.

The Post 9/11 GI Bill took effect on August 1, 2009. It provides funding for up to 36 months of tuition, books, and living expenses without contributions from the individual while in service, for veterans who served after September 11, 2001.

2009 Wisconsin Act 28 (the 2009-11 Biennial Budget Act) requires veterans and their qualifying dependents to use the Federal GI Bill and any other federal benefits to which they are entitled, prior to using the Wisconsin GI Bill. This language is being interpreted by the UW System and WTCS as requiring a credit-for-credit reduction in Wisconsin GI Bill benefits for every credit paid for with post 9/11 GI Bill funds.

VetEd Tuition Reimbursement Program

The VetEd Program reimburses veterans for tuition and fees paid for courses taken as undergraduates at UW System, WTCS, or private higher education institutions. The maximum number of credits for which a veteran may receive reimbursement is based on the amount of time the veteran served on active duty. The maximum reimbursement cannot exceed what UW-Madison charges for the same number of credits.

VetEd reimbursement will be reduced to the extent that tuition and fees have already been paid by other grants, scholarships, and remissions, including the Wisconsin GI Bill and the Post 9/11 GI Bill. Veterans may apply for VetEd through their CVSO or online at the DVA website.

2009 Wisconsin Act 297 makes changes in the VetEd Program. Under the law prior to Act 297, the veteran could apply for the program for courses begun within 10 years after separation from the service. However, this requirement did not apply to a veteran who was applying for reimbursement for up to 60 credits of part-time classroom study courses.

Act 297 eliminates the requirement that the veteran must apply for courses within 10 years after separation from the service and substitutes a provision that for courses begun later than 10 years after separation from the service, a veteran may not be reimbursed for more than 60 of the credits to which the veteran's eligibility is limited. In addition, for courses begun later than 10 years after separation from the service, the veteran may not be reimbursed for more than 11 semester credits or equivalent trimester or quarter credits, other than a summer semester or session, regardless of the number of credits taken during that semester or session. The Act first applies to applicants for tuition reimbursement for an academic term that begins after May 27, 2010.

Veterans Grant Programs

DVA administers a number of grant programs for veterans and veterans organizations.

Retraining Grant Program

Under this program, veterans who are underemployed or recently unemployed may apply for up to \$3,000 a year for up to two years if they demonstrate financial need while enrolled in a training program that is expected to lead to employment. DVA may pay a retraining grant directly to the veteran's employer if the veteran is in a structured on-the-job training program.

Assistance to Needy Veterans Grant Program

This program provides limited financial emergency assistance to financially needy veterans or their dependents who have exhausted all other sources of aid. The grants may be used for specified health care or subsistence needs or for economic emergency assistance for spouses and dependents of activated or deployed service members. There is a cumulative lifetime grant award limit of \$7,500.

CVSO Grant Program

DVA provides grants to counties for maintaining and operating a county veterans service office and improving service to former military personnel. A county's grant is based on whether the CVSO is full-time or part-time and the county's total population.

Other Veterans Programs and Services

Property Tax Credit

Veterans and Surviving Spouse Property Tax Credit

Wisconsin law provides a property tax credit to veterans with a 100% disability or their surviving spouses and the surviving spouses of service members who died while on active duty. The credit is equal to the amount of property taxes paid during the year on the principal dwelling.

A veteran must meet all of the following conditions to qualify for the tax credit:

- Served on active duty under honorable conditions in the U.S. Armed Forces or in forces incorporated in the U.S. Armed Forces.
- Was a resident of Wisconsin at the time of entry into active service or was a resident of Wisconsin for any consecutive five-year period after entry into that service.
- Is currently a resident of Wisconsin for purposes of receiving veterans benefits under ch. 45, Stats.
- Either has a service-connected disability rating of 100% from the U.S. DVA or is considered individually unemployable and is rated 100% disabled on that basis.

A person must be the unremarried surviving spouse of **one** of the following, as verified by DVA:

- A veteran who met all of the above conditions.
- An individual who died in the line of duty while on active or inactive duty for training purposes as a member of the National Guard or a reserve component of the U.S. Armed Forces and who was a resident of this state at the time of entry into that service or who had been a resident of Wisconsin for any consecutive five-year period after entry into that service, and died in the line of duty as a Wisconsin resident.

Forms are available on the DVA website (www.WisVets.com/forms), from the Department of Revenue (DOR) (www.dor.state.wi.us), or by calling DVA toll-free at 1-800-WIS-VETS (1-800-947-8387). See DVA 10106, the application/instructions booklet, on the DVA website (www.WisVets.com/taxes).

A FAQs document on this credit is available on the DOR website at: <http://www.revenue.wi.gov/faqs/ise/vetprop.html>.

Assistance With Filing U.S. DVA Claims

DVA maintains a claims assistance office at the U.S. DVA Regional Office in Milwaukee and develops and files all federal disability and pension claims for veterans in Milwaukee County, in addition to assisting the CVSOs in most other counties in developing those claims. The claims assistance office may be reached at (414) 902-5757.

Information on PTSD is available on the website of the U.S. DVA's National Center for PTSD at: <http://www.ncptsd.va.gov>.

Post-Traumatic Stress Disorder (PTSD) Outreach and Referral Services

DVA is required to provide services related to PTSD to service members and veterans, including at least one of the following: (1) outreach services to service members and veterans who may be experiencing PTSD; or (2) information on the availability of PTSD medical services and referrals to those services.

Veterans Assistance Program

The Veterans Assistance Program (VAP) helps homeless veterans and those at risk for becoming homeless receive job training, education, counseling, and rehabilitative services (such as alcohol and other drug abuse (AODA) counseling) in order to become employed, find affordable housing, and develop living skills. Regional veterans assistance centers (VACs) or "homeless transition sites" have been established to provide "one-stop shopping" for services for homeless and at-risk veterans. The VACs are located at the veterans homes at King and Union Grove, at Fort McCoy, and in the Oak Grove building on the campus of the Northern Wisconsin Center at Chippewa Falls. Funds for the sites come from DVA and the U.S. DVA. A portion of program funds goes to the Center for Veterans Issues in Milwaukee for outreach services to homeless veterans with PTSD.

Veterans with other than a dishonorable discharge are eligible to participate in the program and there is no state residency requirement for the program. The program will assist a veteran's family to obtain housing, but cannot feed or house the spouse (unless also a veteran) or children of the veteran.

The Legislative Audit Bureau (LAB) released a letter report on the VAP in June 2004: <http://www.legis.wisconsin.gov/lab/reports/04-DVAfull.pdf>.

Employment and Training Services

DVA provides a wide array of employment and training services for veterans, including transition assistance to veterans leaving active service, job placement, coordinating approvals for training courses, entrepreneurial training, recruiting veterans to return to Wisconsin following military service, and reducing barriers to licensure necessary for employment. Also, the Office of Veterans Services in the Department of Workforce Development (DWD) provides an employment service placement program and a job training placement service program for veterans through 22 Wisconsin job centers and 65 additional outreach locations, including correctional facilities and county veterans service offices.

Employment Assistance

Military Funeral Honors Program

For information about military funeral honors, call: (877) 944-6667 or (608) 261-0510.

DVA administers the Military Funeral Honors Program to honor veterans who served in the U.S. Armed Forces, National Guard, or Reserves, with assistance from veterans service organizations (VSOs) and active and reserve components of the U.S. Armed Forces. The VSOs may be reimbursed up to \$50 for providing honor guard details at a veteran's funeral. The Adjutant General of the Wisconsin National Guard may activate Guard members to provide military funeral honors. Depending on availability of personnel, various types of honors may be rendered, including firing rifle volleys, sounding Taps, and folding the flag for presentation to the veteran's next-of-kin.

Students in grades 6-12 and college may receive college tuition vouchers of \$25 for sounding Taps at military honors funerals. Family members of a deceased veteran may notify their funeral director of their desire to have military funeral honors rendered and provide the veteran's discharge form or other proof of veteran status or eligibility for funeral honors. The funeral director then contacts the DVA Military Funeral Honors Program to arrange for such honors to be provided.

Supermarkets of Veterans Benefits

DVA periodically sponsors "supermarkets" of veterans benefits in various communities around the state, at which representatives of local, state, federal, and non-profit agencies come to a central location to provide one-stop shopping for veterans needing information and assistance concerning benefits, programs, or services. At this central location, veterans may, among other things, establish their eligibility for state veterans benefits, apply for a range of benefits, loans, and grants, receive a health screening and enroll in the federal veterans health care program, and obtain assistance in obtaining military medals and records.

Mission: Welcome Home Program

DVA administers the Mission: Welcome Home Program to help returning veterans transition back to everyday life. The program provides information about and access to federal and state veterans benefits and outreach and assistance to veterans and their families. Information about the program is available on the DVA website or via email to: MWV@dva.state.wi.us.

Resources for Women Veterans

DVA has hired a coordinator for women veterans services who may be contacted at: WomenVets@dva.state.wi.us.

The Women Veterans Task Force of the Wisconsin Women's Network has compiled a list of resources for women veterans called *Women In Boots: Marching Home*, that is available at <http://wiwomensnetwork.org/veterans>.

State Veterans Facilities

Veterans Homes

There are currently two veterans homes in Wisconsin, located at King in Waupaca County and at Union Grove in Racine County, with a third one planned for Chippewa Falls in Chippewa County. Wisconsin veterans are eligible to become residents of a veterans home if they have served on active duty for two or more years or the full period of their initial service obligation, whichever is less. They are also eligible if

they served on active duty for at least 90 days, one day of which must be within a wartime period. Spouses of eligible veterans may also live at the home.

The applicant must be a state resident on the date of admission to the home and must have been a state resident either upon entering the service or for any 12-month period after enlistment and before the date of application. The veteran must also be permanently incapacitated due to physical disability or age.

The Veterans Home at King provides residential care, nursing and medical services, food services, and social and counseling services to its resident veterans and eligible dependents. There are currently four licensed skilled nursing care buildings, 14 cottages for married couples who are able to care for themselves, and other support facilities.

The Veterans Home at Union Grove has two community-based residential facilities for veterans and their spouses who require limited nursing care, a residential care apartment complex, a skilled nursing care facility, and a campus activities center.

In the 2005-07 capital budget, the State Building Commission enumerated the state's portion of a project to construct a new skilled nursing facility on the campus of the Northern Wisconsin Center in Chippewa Falls. The project is currently on the U.S. DVA's approved list, but awaiting completion by the state of various design and bidding requirements.

In August 2010, the LAB released a letter report, *Rate Setting at the Wisconsin Veterans Homes*, available at: http://www.legis.state.wi.us/lab/reports/10-ratesetting_ltr.pdf.

**Veterans
Cemeteries**

There are three state-run veterans cemeteries in Wisconsin (in addition to the Wood National Cemetery in Milwaukee, which reached capacity in 1996): the Central Wisconsin Veterans Memorial Cemetery at King, the Southern Wisconsin Veterans Memorial Cemetery at Union Grove, and the Northern Wisconsin Veterans Memorial Cemetery at Spooner. Veterans who meet specified requirements are eligible for burial at a Wisconsin veterans cemetery. The veteran must have been discharged or released from active duty under any conditions other than dishonorable or died while on active duty. In addition, the veteran must either have entered military service from Wisconsin, have been a resident of Wisconsin at death, or have entered military service from another state but was a Wisconsin resident at some point for at least 12 consecutive months after entering service.

A person who was a Wisconsin resident at the time of death and served at least 20 years in the National Guard or Reserves and qualified for retirement pay (or would have qualified had death not occurred before age 60) is also eligible for burial at a Wisconsin veterans cemetery. Veterans and their spouses may pre-register for burial at one of the three state cemeteries on a form available on the DVA website or from a CVSO or the cemetery. Currently, no fee is charged for burial of an eligible veteran, but a fee is charged for family members. DVA may assess funeral directors involved in interments the amount necessary to reimburse DVA for the average cost of providing specified services and items.

**State
Veterans
Museum**

DVA operates the Wisconsin Veterans Museum on the Capitol Square in Madison. The Museum's mission is to acknowledge, commemorate, and affirm the role of Wisconsin veterans in the United States' military past by means of instructive exhibits and other educational programs. In addition to state funding, the private, non-profit Wisconsin Veterans Museum Foundation contributes funds to the Museum.

Selected New State Laws

The Legislature enacted a number of laws relating to veterans in the 2009-10 Session, including the following:

2009 Wisconsin Act 28 (the 2009-11 Biennial Budget Act) contains a number of provisions relating to veterans and DVA operations. These include:

- Providing additional funding from the Veterans Trust Fund for the health care and subsistence aid grant program.
- Providing funding from the Veterans Trust Fund and a position for the Mission Welcome Home Program.
- Increasing general purpose revenue (GPR) funding for the Military Funeral Honors Program.
- Evaluating the viability of home loan servicing by DVA under the primary mortgage loan program.

2009 Wisconsin Act 35 designates July 27 as “Korean War Armistice Day,” to recognize the Wisconsin Armed Forces members who courageously served during the Korean War.

2009 Wisconsin Act 36 designates March 29 as “Vietnam Veterans Day,” to recognize the 1,239 Wisconsin Armed Forces members listed on the Vietnam Memorial Wall and to express pride and gratitude to the veterans of that war.

2009 Wisconsin Act 37 exempts the first \$50,000 of the cash value of life insurance from being considered in determining whether a veteran or family member is eligible for assistance under the VAP.

2009 Wisconsin Act 49 adds a representative of the Wisconsin American GI Forum to the Council on Veterans Programs.

2009 Wisconsin Act 105 requires that a restitution order relating to a misappropriation of an object from a cemetery that indicates the deceased was a veteran must require the defendant to reimburse an individual, organization, or governmental entity for the cost of replacing the object.

2009 Wisconsin Acts 109 and 132, respectively, provide for reduce-fee fishing licenses for “individually unemployable” disabled veterans and for disabled veterans receiving certain federal pension benefits for a disability not related to the person’s military service.

2009 Wisconsin Act 126 requires the Department of Transportation (DOT) to identify on its highway service maps and folded maps: (1) each veterans memorial highway or bridge designated under ch. 84, Stats.; and (2) the location of veterans memorials, cemeteries, homes, and museums specified in the Act.

2009 Wisconsin Act 144 requires the Governor to annually proclaim March 25 as “Medal of Honor Day,” to celebrate and honor members of the U.S. Armed Forces who have been awarded the Medal of Honor for their valor on action above and beyond the call of duty.

2009 Wisconsin Act 197 provides that a U.S. Department of Defense document executed by a member of the U.S. Armed Forces to provide an authorization for final disposition of the member's remains qualifies as a valid authorization for final disposition under Wisconsin law.

2009 Wisconsin Act 208 permits a school board to issue a high school diploma to certain veterans who are at least 55 years old and have a service-connected disability in specified circumstances.

2009 Wisconsin Act 210 creates an evidentiary privilege against disclosure of communications made by a veteran to a veteran mentor who is authorized by a circuit court judge to provide assistance and advice about court-related matters to veterans and current Armed Forces members.

2009 Wisconsin Act 230 establishes a special license plate for women veterans which will cost \$15 in addition to the regular vehicle registration fee.

2009 Wisconsin Act 298 adds a representative of the Blinded Veterans Association of Wisconsin to the Council on Veterans Programs.

2009 Wisconsin Act 299 creates preferences in awarding state contracts to businesses owned by disabled veterans with at least a 30% disability rating. A bid of up to 5% higher than the lowest bid may be accepted.

Military Affairs

The DMA is headed by the state Adjutant General, who is appointed by the Governor for a five-year term and may be reappointed. The Adjutant General reports to the Governor, who is designated by the Wisconsin Constitution as the commander-in-chief of the Wisconsin National Guard. Chapter 321, Stats. (formerly ch. 21, Stats.), sets forth statutory provisions governing the Wisconsin National Guard, the Adjutant General, and the Governor's military staff. Chapter 322, Stats., sets forth the Wisconsin Code of Military Justice. Chapter DMA 1, Wis. Adm. Code, sets forth administrative rules relating to the military Family Relief Fund (described on page T-23).

The DMA also administers Wisconsin's emergency management system through its Division of Emergency Management which is headed by a division administrator appointed by the Governor. Chapter 323, Stats., governs state and local emergency management. [Formerly, ch. 166, Stats., governed emergency management. That chapter was renumbered ch. 323 and recodified in 2009 Wisconsin Act 42, which was a product of the Legislative Council's Special Committee on Emergency Management and Continuity of Government.] Chapters WEM 1-8, Wis. Adm. Code, contain the Division's administrative rules.

The DMA executive assistant is the primary legislative liaison and is most familiar with the overall operations of the department and may be reached at (608) 242-3009. The department's legal staff may be reached at (608) 242-3071. The department's public information office maintains DMA's website at: <http://dma.wi.gov> with links to WEM, the Army National Guard, and the Air National Guard.

Wisconsin National Guard

The Wisconsin National Guard is the organized militia of the state and is headed by the state Adjutant General. It consists of the Army National Guard and the Air National Guard, each of which is headed by a deputy Adjutant General. The Guard

Organization and Dual Missions

is an armed military force which is organized, trained, equipped, and available for deployment under official orders in both state and national emergencies. The Guard has dual missions--federal and state. Its federal mission is to provide trained units to the U.S. Army and Air Force in time of war or national emergency. When the Guard is activated in federal duty status, the President becomes its commander-in-chief. Its state mission is to help civil authorities protect life and property and preserve peace, order, and public safety in times of natural or human-caused emergencies. When the Guard is activated in state duty status, the Governor is its commander-in-chief.

The composition of Wisconsin Army and Air National Guard units is authorized by the U.S. Secretary of Defense through the Department of Defense's National Guard Bureau. All Guard officers and enlisted personnel must meet the same physical, educational, and other eligibility requirements as members of the active duty Army or Air Force.

Role of Governor and Duties of Adjutant General

As commander-in-chief of the Wisconsin National Guard, the Governor may order the Guard or a portion of the Guard into active duty in the following circumstances:

- In case of war, insurrection, rebellion, riot, invasion, terrorism, or resistance to execution of the laws of the state or the United States.
- In the event of public disaster resulting from flood, fire, tornado, or other national disaster.
- In the event of a declared public health emergency.
- In order to assess damage or potential damage and to recommend responsive action as a result of natural or man-made events.
- Upon application of a U.S. marshal, village president, mayor, town board chair, or county sheriff.

The Adjutant General serves as the military chief-of-staff to the Governor and has custody of all property, military records, correspondence, and other documents relating to the National Guard and any other military forces organized under state law.

Funding

The Wisconsin National Guard is funded and maintained by both the federal and state governments. The federal government provides arms and ammunition, equipment and uniforms, outdoor training facilities, pay for military and support personnel, and training and supervision. The state provides personnel, conducts training, and shares the cost of constructing, maintaining, and operating armories and other military facilities. The federal government currently provides approximately 90% of the funding for the Wisconsin National Guard.

Army National Guard

The Wisconsin Army National Guard currently has approximately 7,700 members and includes the following subordinate commands:

- Joint Forces Headquarters in Madison with a number of subordinate units including the Drug Control Program, 54th Civil Support Team, Recruiting and Retention Command, and the 505th Trial Defense Team.
- 157th Maneuver Enhancement Brigade with headquarters in Milwaukee and several subordinate units, including the 257th Brigade Support Battalion in Oak Creek, the 1-121st Field Artillery Battalion in Milwaukee, and the 724th Engineer Battalion in Chippewa Falls.

- 32nd Infantry Brigade Combat Team with headquarters in Camp Douglas and several subordinate units, including the Brigade Special Troops Battalion in Wausau, the 2-127th Infantry Battalion in Appleton, the 1-128th Infantry Battalion in Eau Claire, the 105th Reconnaissance and Surveillance Battalion in Madison, the 132nd Brigade Support Battalion in Portage, and the 1-120th Field Artillery Battalion in Wisconsin Rapids.
- 64th Troop Command with headquarters in Madison and several subordinate units, including 1-147th Aviation Battalion in Madison, 641st Troop Command Battalion in Madison, and the 732nd Combat Service Support Battalion in Tomah.

Air National Guard

The Wisconsin Air National Guard is currently comprised of more than 2,200 members and includes the following components:

- State Headquarters at the Office of the Adjutant General and the 115th Fighter Wing at Truax Field, Madison.
- 128th Air Refueling Wing at General Mitchell Field, Milwaukee.
- 128th Air Control Squadron and Combat Readiness Training Center located at Volk Field, Camp Douglas, and Hardwood Range, an air-to-ground bombing and gunnery range, located south of Babcock.

Recent Guard Activities

The Wisconsin Army and Air National Guard have been and continue to be involved in a number of activities relating to the September 11, 2001 terrorist attacks, the global war on terrorism, and the Iraq and Afghanistan wars. The Wisconsin Army National Guard's 32nd Infantry Brigade Combat Team recently returned from its largest deployment since World War II with a year-long mobilization and deployment to Iraq in 2009 to 2010. In addition, the 732nd Combat Support Battalion returned from Iraq, and the 951st Engineer Company and a 17-man Embedded Training Team returned from a deployment to Afghanistan. Currently, the 724th Engineer Battalion is deployed to Iraq with the 1-147th Aviation scheduled to deploy in the next few months. The Wisconsin Air National Guard's 128th Air Refueling Wing continues to support tanker operations, both overseas and domestic, in support of the global war on terrorism to include extended deployments to areas of responsibility and AeroMed evacuations. The 128th Air Control Squadron, based out of Volk Field, returned from Iraq after a successful deployment. The 115th Fighter Wing, coming off an extensive deployment in 2009, maintains their position at "the tip of the sword" with multi-national training deployments. Lastly, the Combat Readiness Training Center continues to aid the fight with thousands of troop movements annually in and out of Volk Field. Information on current Wisconsin Army and Air National Guard mobilizations is available at: <http://dma.wi.gov/>. Additional information about Department of Defense-wide news is located at: <http://www.defenselink.mil/news>.

Service Member Support Division

Support for Service Members and Their Families

The Wisconsin National Guard Service Member Support Division manages the administration of benefits, programs, and support services for all Wisconsin service members and their families. The team provides pre-, during-, and post-mobilization support to commanders and service members by establishing a centralized connection to the multitude of public and private agencies that provide benefits, programs, and services to Wisconsin military service members and their families.

Supporting programs include education, advocacy, intervention, short-term counseling, resource awareness education, support in accessing resources, referral to community resources and services, youth and parent education and enrichment programs. Learn more about the programs online at www.wisconsinmilitary.org.

- **National Guard Family Program** establishes and facilitates ongoing communication, involvement, support, and recognition between families and the service member in a partnership that promote the best in both. [1-800-292-9464]
- **Badger Yellow Ribbon Program** provides educational information events and activities for military members, their families, and community members to facilitate access to services and support their health and well-being throughout the entire deployment cycle.
- **Youth Program** provides youth with opportunities to form bonds with other military youth, building support networks that are essential in times of deployment as well as reintegration. Youth activities, camp, social, and educational opportunities are available.
- **Sexual Assault Response Program** provides prevention training to all service members and resource and referral services to victims of sexual assault and domestic violence. The Sexual Assault Prevention Response Program ensures victims of sexual assault are protected, treated with dignity and respect, receive support and advocacy, and assists with identification of treatment resources.
- **Suicide Prevention Program** provides prevention, intervention, and postvention training on the risk factors and warning signs of suicide and connects service members with resources.
- **Military OneSource Consultant** serves as the specialist on resources, programs, and services for military families. Conducts outreach and partners with organizations to develop, identify, catalog, and publicize resources to networks.
- **Military Family Assistance Centers (FAC)** provide family members with information on entitlements and benefits available during the service member's deployment cycle. Assistance is available 24/7. [1-800-292-9464]
- **Transition Assistance (Warrior Support) Advisor (TAA)** assists service members with access to federal and state veterans benefits, programs, and services, as well as public and private programs and services. Wounded warriors and their families are identified, tracked, and monitored through recovery and rehabilitation to ensure a successful transition from active duty.
- **Director of Psychological Health (DPH)** provides assistance and direction to service members who are having transitional difficulties in either adjusting to re-deployment or life challenges. The DPH assists in initial problem solving and identification of resources.
- **Military Family Life Consultant (MFLC)** provides life skills information and education; conducts outreach and provides referral services to community resources. Provides direct, short-term, solution-focused counseling to individuals, couples, families, and groups.
- **MFLC Child and Youth** provides parenting and child development information and education. Conducts outreach and referral services to community resources. Provides direct, short-term, solution-focused counseling to children, youth, and young families.

- **Employer Support of the Guard and Reserve (ESGR)** provides Reserve Component members with education and awareness regarding employer relations, rights, and re-employment requirements, as well as programs and services available to help strengthen employer support for the Guard and Reserve.
- **Survivor Outreach Service Coordinator (SOSC)** provides casualty assistance to primary next-of-kin of fallen service members and retirees. They also assist with Service Member Group Life Insurance claims and advise on benefits available to surviving families.

Other DMA Programs and Services

National Guard Tuition Grant Program

DMA administers the Tuition Grant Reimbursement Program for qualified members of the Wisconsin National Guard. All National Guard enlisted members and warrant officers in good standing in the Guard who do not have a bachelor's degree are eligible for tuition reimbursement at an eligible school. Eligible schools include UW-Extension and any UW System campus, a technical college, or an institution of higher education as defined by federal law for student financial assistance purposes. The program will reimburse 100% of actual tuition or 100% of the maximum resident undergraduate tuition at UW-Madison for a comparable academic load, whichever is less. Qualified students may receive reimbursement for up to eight full semesters of undergraduate courses or 120 credits of part-time study.

A Guard member who fails to meet service eligibility criteria or who is absent without leave for more than nine unit training assemblies is not eligible for a tuition grant. Applications for grants must be submitted within 90 days after completion of coursework for which reimbursement is sought. A representative of the school must certify that a member has satisfactorily completed the course and achieved a minimum grade point average of 2.0 (a "C" average) for the semester for which reimbursement is sought. For eligible veterans, the National Guard tuition grant and the Wisconsin GI Bill (see p. T-4) may be used simultaneously. However, an eligible veteran must first use all eight semesters of the tuition grant before using DVA's VetEd Program (see p. T-5).

Student Loan Repayment Program

National Guard members in good standing with pre-existing student loans may be eligible for the Federal Student Loan Repayment Program, if they re-enlist or extend their service for a six-year period and meet other requirements. The program repays loans up to \$10,000.

ChalleNGe Academy

The Wisconsin National Guard ChalleNGe Academy began operations in 1998 at Fort McCoy. The mission of the ChalleNGe Academy is to offer Wisconsin youth the opportunity to become successful, responsible citizens. The ChalleNGe Academy is a two-phase, 17-month program that serves 16- to 18-year old youth who have dropped out of school or are at-risk of not graduating from high school. The first phase includes a five-month residential, character development based program in which participants attempt to earn their High School Equivalency Diploma. The second phase, called the Post-Residential Phase, is 12-months long in which the participant's mentor and ChalleNGe Academy staff assist the participant with the transition back into the community. The program is funded 75% by the federal government and 25% with state program revenue (PR). Recent program highlights include:

- Starting July 1, 2010, the federal government began funding 75% of the program funding, up from the previous 60% federal funding.

- In 2010, the Wisconsin ChalleNGe Academy was awarded the “Best All-Around Program” in the nation (among 34 programs in 29 states).
- In 2010, the Wisconsin ChalleNGe Academy surpassed 2,000 graduates, totaling 2,037 graduates as of the completion of Class 24 in June 2010.

Military Funeral Honors

The Adjutant General may activate members of the National Guard to serve on an honors detail of a funeral for a deceased veteran. The Military Funeral Honors Program is administered by DVA and is described on page T-8.

Related Laws

USERRA— Federal and State Laws

The federal Uniformed Services Employment and Reemployment Rights Act (USERRA) provides re-employment protection and other benefits to persons returning from federal military service. This includes service in the National Guard under a federal call-up and service in the Reserves. Under USERRA, a person who leaves a civilian job for military service is generally entitled to return to the job with accrued seniority if the person meets several eligibility criteria, including, among others, having notified the employer of the departure for military service, being honorably discharged, and reporting back to the employer in a timely manner following military service. USERRA applies to virtually all civilian employers regardless of size, including the federal government and state and local governments. Because service in the National Guard under a state call-up by the Governor is not covered by USERRA, state legislation was enacted in 2001 to provide for the same re-employment rights for persons called to state service in the National Guard.

Legal Protections for National Guard Members

Wisconsin law provides National Guard members, including Wisconsin residents who serve in the National Guard of another state, certain legal protections, including:

1. Providing legal representation and payment of expenses and judgments at state expense in specified circumstances to a member who is prosecuted for a civil or criminal action for an act committed while performing military duty;
2. Staying civil court proceedings during the period of active service;
3. Capping interest rates at 6% per year on debts incurred prior to entering the service;
4. Protecting the member from eviction or mortgage foreclosure;
5. Extending a member’s professional or occupational license that would otherwise come up for renewal while the person is on duty and, if certain conditions are met, extending the license until the next date on which the license is usually renewed;
6. Providing college student members opportunities to complete course work and re-enroll in the school, if called to active duty while in school; and
7. Granting members certain re-employment rights.

Differential Pay for Activated State Employees

Wisconsin law requires that all state employees who are activated to military duty be paid their state salaries while on military duty, minus any military pay and housing allowances they receive, unless the military pay and housing allowances equal or exceed the person’s state salary. An activated employee may also accumulate sick leave and paid annual leave as though no interruption in state service occurred.

To qualify for the payment, an employee must: (1) on or after January 1, 2003, be activated to serve or be serving on military duty in the U.S. Armed Forces other than for training purposes; (2) on the date of activation, be a member of either the Wisconsin National Guard or the Reserves, or recalled to active duty from inactive

reserve status; and (3) be on an authorized military leave of absence. The differential pay and benefits also apply to state employees who are activated to serve in the U.S. Public Health Service and detailed to duty with the U.S. Armed Forces.

The law provides that an employee may receive the differential pay and benefits beginning on the date of activation, for a period of not more than 179 days. The Governor may make up to three extensions of two years each from the date of activation for an individual employee or a group of employees. The law also permits an employee to use up to 160 hours of accumulated paid leave within 30 days after completion of duty before resuming employment with the state and to carry over to the next year any remaining paid leave accumulated while on duty. The differential pay benefit is retroactive to January 1, 2003. Employees who were activated prior to that date may receive differential pay retroactively to January 1, 2003, but not for service before that date.

Information on Military Points of Contact and Activations

The Adjutant General is required to provide DVA with information on all necessary military points of contact and general deployment information for activated and deployed members of the National Guard. The DVA, in turn, must provide this information to CVSOs. In addition, the law permits DVA to provide CVSOs with information on military points of contact and general deployment information for Reserves units. CVSOs are authorized to: (1) inform Guard and Reserves members or their dependents living in the CVSO's county regarding potential benefits to which the members may be entitled and necessary military points of contact and general deployment information for activated and deployed members of the National Guard and Reserves; and (2) cooperate with federal and state agencies which serve or grant aid or benefits to members and their dependents.

Wisconsin Homeland Security Council

The contact person for the Homeland Security Council is: Randi Wind Milsap, Chief Legal Counsel, WI Department of Military Affairs, 2400 Wright St., P.O. Box 14587, Madison, WI 53708-0587, (608) 242-3072, FAX: (608) 242-3082.

On March 18, 2003, by Executive Order #7, Governor Jim Doyle created the Wisconsin Homeland Security Council, consisting of seven members (later increased to nine and more recently 13) appointed by and serving at the pleasure of the Governor. The mission of the Council is to advise the Governor and coordinate the efforts of state and local officials with regard to prevention of, and response to, potential threats to the homeland security of Wisconsin. The Council is charged with coordinating the state's terrorism preparedness efforts, assisting local governments and agencies, and providing recommendations to the Governor to enhance Wisconsin's homeland security measures.

The Governor appointed the Adjutant General of the Wisconsin National Guard to chair the Council and serve as the Governor's Homeland Security Advisor. The current Adjutant General is Brigadier General (WI) Donald P. Dunbar. Originally, members of the Council included representatives of: the Wisconsin Division of Emergency Management, the Wisconsin State Patrol, the Wisconsin State Capitol Police, the Office of Justice Assistance (OJA), the Division of Criminal Investigation in the Department of Justice (DOJ), and the Division of Public Health in the Department of Health and Family Services (DHFS) (now the Department of Health Services or "DHS"). In March 2006, the Governor increased the membership of the Council to nine and added a representative each from the Department of Natural Resources (DNR) and the Department of Agriculture, Trade and Consumer Protection (DATCP). In September 2008, four additional members were added, including the Administrator of the Division of Enterprise Technology in the Department of Administration (DOA) and three first responders: a county sheriff, a chief of police, and a fire chief.

The Homeland Security Council's website is: <http://www.hsc.wi.gov>. In September of each year, the Council releases a report on homeland security in the State of Wisconsin, a link to which can be found on the Council's website.

Wisconsin Emergency Management System

Overview of System

*WEM's
24-hour emer-
gency hotline
number is:
(800) 943-0003.*

DMA administers Wisconsin's emergency management system through its Division of Emergency Management, more commonly referred to as "Wisconsin Emergency Management" or "WEM." The purpose of the system is to prepare the state and its subdivisions and the tribes to plan for, respond to, recover from, and mitigate emergencies resulting from enemy action and natural or human-caused disasters. WEM is headed by a division administrator appointed by the Governor and has two bureaus: the Bureau of Planning and Preparedness and the Bureau of Response and Recovery. The WEM website is <http://emergencymanagement.wi.gov>.

Duties of Various Officials

The Governor, the Adjutant General, the WEM administrator, and other state and local officials have statutory responsibilities relative to the emergency management system. The Governor is required to review state emergency management plans and to utilize WEM during a state of emergency. The Governor may order all or a portion of the Wisconsin National Guard into active service in case of war or other civil unrest or public disaster or to assess damage and recommend action as a result of natural or human-caused events. The Governor may proclaim a state of emergency for the state or a portion of the state and may enter into mutual aid agreements with other states concerning emergency management.

Emergency Management Regions

The state is divided into six emergency management regions, each headed by a regional director. The regional directors exercise powers delegated and duties assigned by the Adjutant General. The regional directors work directly with the counties in coordinating WEM's programs and serve as on-site representatives of WEM during emergencies.

Emergency Police and Fire Services

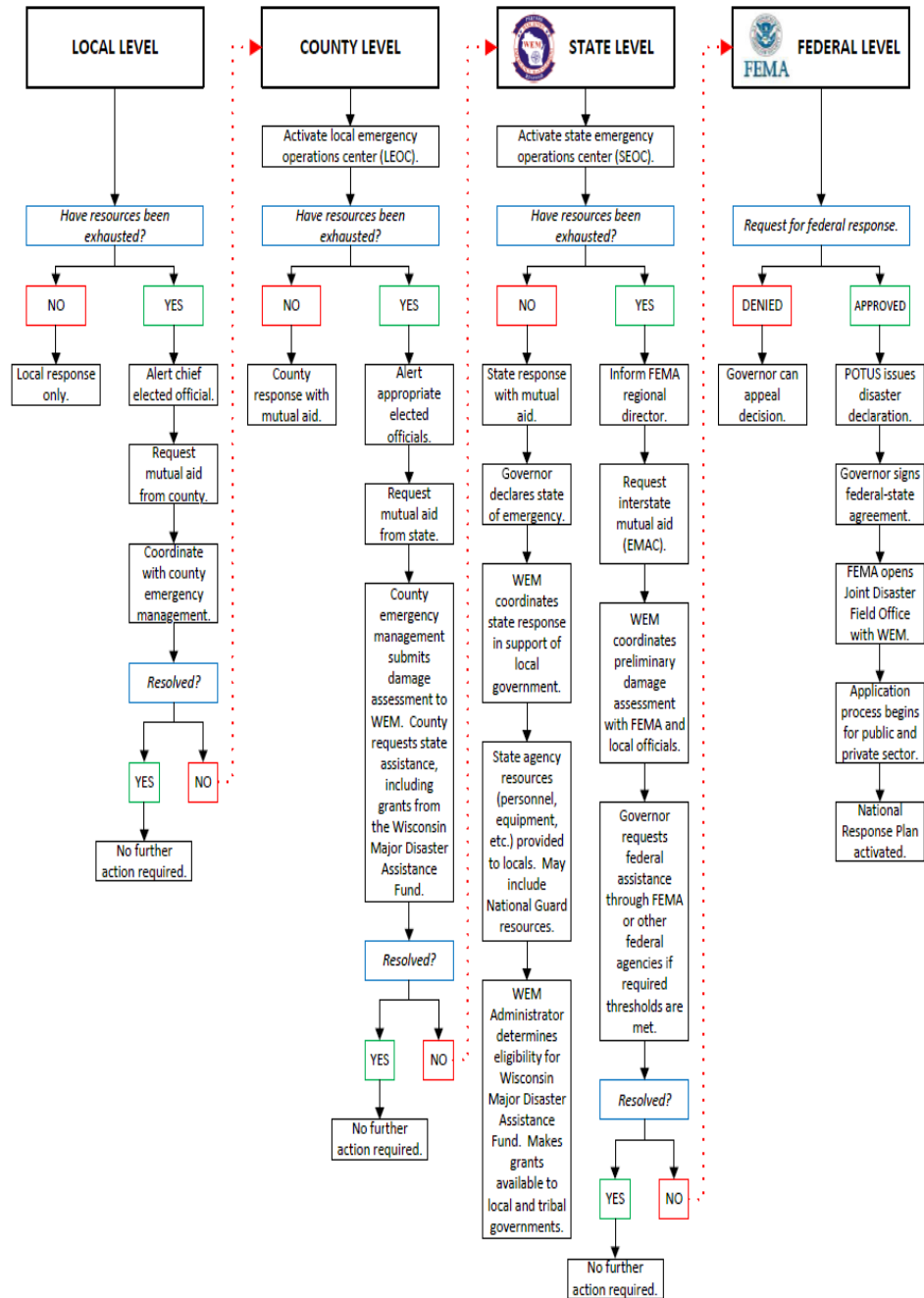
WEM also provides an Emergency Police Services (EPS) Director and an Emergency Fire Services Coordinator to assist the state, its subdivisions, and the tribes during emergencies. The EPS director coordinates state law enforcement response to emergencies, including coordination of mutual aid for law enforcement assistance in natural and man-made disasters, prison disturbances, and other emergencies. The Fire Services coordinator works with local units of government to coordinate fire services during emergencies. This may include use of the Mutual Aid Box Alarm System (MABAS). In addition, the Fire Services coordinator works closely with fire and EMS departments and other emergency agencies to help ensure appropriate training, planning, and response needs are met at the local, regional, tribal, and state levels.

Role of County Sheriffs

The county sheriff has most of the statutory powers at the local level in the event of an emergency. In addition, there are mutual assistance agreements between law enforcement agencies as well as firefighting agencies, both regionally and state-wide. In an emergency, the sheriff may call upon the mutual aid authorized by these agreements before requesting assistance from the state. If the sheriff deems it necessary, he or she will ask the Governor, through the WEM administrator, to call the National Guard into state service to assist in the response. Local officials and other designated local personnel are also authorized to declare a state of emergency at the local level.

Below are two documents prepared by DMA: (1) a disaster response flowchart that delineates local, county, state, and federal level response sequences; and (2) a chart showing various officials who are authorized to declare a disaster.

DISASTER RESPONSE FLOWCHART



WHO MAY DECLARE A DISASTER?

<p>1 VILLAGE OR TOWN</p>	<p>2 CITY</p>	<p>3 COUNTY</p>
<p>Governing body of any Village or Town ss. 323.11 & 323.14(4)(a), Stats.</p> <p>Village President, subject to ratification ss. 61.24 & 61.34, 323.14(4)(b), Stats.</p> <p>Town Chairperson, subject to ratification ss. 60.22, 60.24(1), 323.14(4)(b), Stats.</p> <p>Chief Executive Officer, subject to ratification ss. 60.22, 60.23, & 61.32, 323.14(4)(b), Stats.</p> <p>Any person, employee, or position empowered and designated by ordinance or resolution.</p>	<p>Governing body of any City ss. 323.11 & 323.14(4)(a), Stats.</p> <p>Mayor, subject to ratification ss. 323.14(4)(b), 62.09(8), 62.11, 64.29, Stats.</p> <p>City Manager, subject to ratification ss. 64.11 & 323.14(4)(b), Stats.</p> <p>Chief Executive Officer, subject to ratification ss. 62.11 & 323.14(4)(b), Stats.</p> <p>Any person, employee, or position empowered and designated by ordinance or resolution.</p>	<p>Majority vote of County Board constituting a quorum ss. 59.02, 59.03, 59.04, 323.11, 323.14(4)(a), Stats.</p> <p>County Board Chair, if empowered by ordinance ss. 59.12 & 323.14(4)(b), Stats.</p> <p>County Executive, if empowered by ordinance ss. 59.17(2) & 323.14(4)(a), Stats.</p> <p>County Administrator, if empowered by ordinance ss. 59.18(2) & 323.14(4)(a), Stats.</p> <p>County Sheriff, s. 59.28, Stats.</p> <p>Any person, employee, or position empowered and designated by ordinance or resolution.</p>
<p>4 STATE</p>	<p>5 FEDERAL</p>	<p><i>NOTE: Statute numbers (i.e., 323.11 or 42 USC s. 5170) refer to the Wisconsin Statutes and United States Code, respectively.</i></p>
<p>Governor of the State of Wisconsin, s. 323.10, Stats.</p>	<p>President of the United States, 42 USC s. 5170 (Et seq.)</p>	

EMERGENCY CONTACT INFORMATION

<p><u>24-Hour Emergency Contact Number</u> To contact the Wisconsin State Duty Officer, dial (800) 943-0003</p>
<p><u>Wisconsin Joint Operations Center (JOC)</u> To contact the JOC, dial (800) 335-5147 x8400</p>
<p><u>Wisconsin Statewide Information Center (WSIC)</u> To contact the WSIC, dial (888) DCI-WSIC</p>

GENERAL CONTACT INFORMATION

<p><u>Wisconsin Emergency Management (WEM)</u> Main Telephone: (608) 242-3232 Fax: (608) 242-3247</p>
<p><u>Wisconsin Department of Military Affairs (DMA)</u> Main Telephone: (608) 242-3000 State Legal Office: (608) 242-3072 Judge Advocate General: (608) 242-3077 Fax: (608) 242-3082</p>

When the Governor proclaims a state of emergency, the DMA, through WEM, is generally the lead state agency to respond to the emergency. However, if the Governor determines that a public health emergency exists, he or she may proclaim a state of emergency related to public health and designate the DHS as the lead state agency to respond to that emergency. Additionally, if the Governor determines that an emergency is related to computer and telecommunications systems, the Governor may designate the DOA as the lead agency.

Emergency Management Planning

The Adjutant General, through WEM, is required to develop a comprehensive state plan of emergency management for the security of people and property, which is mandatory during a state of emergency, subject to approval by the Governor. The plan, known as the Wisconsin Emergency Response Plan (ERP), sets forth the responsibilities of state and local officials to take specific actions. The Adjutant General must seek advice from DHS regarding emergency medical aspects of the ERP and from DOA regarding computer or telecommunications aspects of the ERP. The Adjutant General carries out statewide training programs and exercises and

serves as the principal assistant to the Governor in directing emergency management activities.

The governing bodies of counties, towns, and municipalities are required to adopt an effective program of emergency management compatible with the state ERP. WEM provides assistance to local governments in the development of their plans. Each governing body may appropriate funds and levy taxes for this program.

Federal Funding

Grants awarded by the U.S. Department of Homeland Security through WEM and OJA are a major source of funding to the state and local governments. Federal grant funds are awarded through several programs including the state Homeland Security Grant Program, the Urban Areas Security Initiative, and the Emergency Management Planning Grant Program. A LAB report released in May 2010 reviewed expenditures of these grant funds. The audit report is summarized on page T-26.

ICS

The state plan of emergency management requires use of the incident command system (ICS) by all emergency response agencies, including local health departments, during an emergency declared by the Governor or by a municipality or in other multi-jurisdictional or multi-agency emergencies. "Incident command system" is defined in state law as "a functional management system established to control, direct, and manage the roles, responsibilities, and operations of all of the agencies involved in a multi-jurisdictional or multi-agency emergency response." County and municipal emergency management plans are subject to a similar requirement. In addition, DHS is required to ensure that emergency operations are conducted using ICS during a declared public health emergency in which DHS is designated as the lead state agency.

The Adjutant General, through WEM, must provide training in use of ICS in managing emergencies to local government officials, officers, and employees whose duties include responding to emergencies, including officers and employees of local health departments. The Adjutant General must consult with DHS regarding the ICS training for local health department personnel. The Adjutant General is required to utilize federal funding to provide this training, to the extent possible.

First Responder Training

To assist in the training of first responder personnel statewide, DMA, through WEM, manages and operates the Regional Emergency All-Climate Training Center ("REACT" Center) at Volk Field at Camp Douglas. The REACT Center provides training for both military and civilian responders to natural and human-caused disasters. The facility has classrooms and a 15-acre training ground with various collapsed structures to provide a realistic response for rescue teams.

MABAS

The Adjutant General must also furnish guidance and establish standards for fire, rescue, and EMS regarding the adoption of the intergovernmental cooperation MABAS system as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response. This standard is set forth under ch. WEM 8, Wis. Adm. Code. Further, agencies that manage public works departments may adopt a public works mutual assistance agreement developed by WEM for intergovernmental collaboration of public works personnel, equipment, and resources in a multi-jurisdictional or multi-agency emergency response.

Wisconsin Major Disaster Assistance Program

Major Disaster Assistance Fund

This state program was created as a fund to make payments to local units of government for damages and costs incurred as a result of a natural disaster. Payments may be made if the Governor has requested a federal disaster declaration and the request has been denied or if the Governor does not request such a declaration because the disaster does not meet the statewide or countywide criteria issued by the Federal Emergency Management Agency. Local governments must provide a 30% match. Funds may be used for costs including debris removal, emergency protective measures, and road damage.

Federal Disaster Assistance

Various types of federal disaster assistance are available to both the public and private sectors as a result of a Presidential disaster declaration. The public sector (local, tribal, and state government, and certain private not-for-profit agencies) may receive: (1) public assistance grants with a 75% federal, 12.5% state, and 12.5% local cost-sharing, to replace uninsured publicly owned facilities and equipment damaged in a disaster; and (2) hazard mitigation grants (same cost-sharing) to develop hazard mitigation plans and fund mitigation measures.

Private sector funding is available to individuals, farmers, and businesses in the form of: (1) disaster housing grants; (2) Small Business Administration loans; (3) other needs assistance grants; and (4) Farm Service Agency loans.

Hazardous Materials Response

HAZMAT Teams

WEM contracts with a number of municipal fire departments around the state to provide regional coverage for hazardous materials (HAZMAT) incidents that require the highest level of respiratory and skin protection (known as Level A incidents). There are currently eight regional Level A HAZMAT teams operated by the fire departments in Appleton and Oshkosh, Chippewa Falls and Eau Claire, La Crosse, Madison, Milwaukee, Racine, Superior, and Wausau. The state also encourages counties to contract with local fire departments or other entities for countywide response to incidents that are less serious than those requiring Level A protective equipment, but exceed the capabilities of smaller fire departments. Currently, 39 counties have their own Level B teams, another 16 counties contract with one of those 39 teams, and two counties contract with a private HAZMAT contractor.

The LAB released an audit of HAZMAT teams in 2002, which is available through the following link: <http://www.legis.wisconsin.gov/lab/reports/02-1full.pdf>.

Emergency Planning and Community Right-to-Know Act (EPCRA)

EPCRA

EPCRA is a federal law created to help communities plan for emergencies involving hazardous substances. The law requires each state to establish a State Emergency Response Commission and Local Emergency Planning Committees to develop emergency plans in case of an accidental release and to look for ways to prevent chemical accidents. Chemical storage facilities must report the storage, use, and release of certain hazardous chemicals as well as pay fees based upon the number of different hazardous chemicals present onsite.

Selected New State Laws

The Legislature enacted a number of laws relating to military affairs and emergency management in the 2009-10 Session, including the following:

2009 Wisconsin Act 28 (the 2009-11 Biennial Budget Act) contains a number of provisions relating to military affairs and emergency management. These include:

- Specifying that beginning in 2010, the amount each county and municipality spends each year for emergency services cannot be less than the amount spent in 2009, with certain exceptions.
- Providing \$1,000,000 segregated (SEG) funds in 2009-10 as additional funding for the state's major disaster assistance program.
- Creating a voluntary tax check-off on individual income tax forms for contributions to a newly created military family relief fund. The purpose of the fund is to provide financial support to service members and their immediate families dealing with emergency situations. [DMA has promulgated an emergency rule, ch. DMA 1, and is currently in the permanent rule-making process.]
- Creating an exception to the levy limits imposed on counties and municipalities for any amount that a county or municipality levies to pay the unreimbursed expenses related to a declared emergency, as defined under current law, beginning in the year in which the emergency occurs or the next year. The exception also applies to amounts levied to replenish cash reserves used to pay unreimbursed expenses related to a declared emergency. Any amount excluded may not be added to the local government's base levy to calculate its levy limit in a year after the unreimbursed expenses have been recovered.

Military Family Relief Fund

2009 Wisconsin Act 42 is the product of the Legislative Council's Special Committee on Emergency Management and Continuity of Government. Act 42 does the following regarding the emergency management provisions of the statutes:

- Moves the emergency management provisions of the statutes that were previously in ch. 166 to a newly created ch. 323.
- Reorganizes the entire chapter by subdividing it into eight subchapters. The current ch. 166 consists of 18 sections that are not organized into subchapters.
- Makes non-substantive editorial changes to modernize language and make it consistent with current drafting style.
- Makes minor changes in the chapter. These include the following:
 - Creates a definition of the term disaster—"a severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this state or a portion of this state, or critical systems, including computer, telecommunications, or agricultural systems."
 - Provides that an individual may not simultaneously serve as the head of emergency management for two or more counties.
 - Specifies that alleged violations on tribal land of the statutes relating to hazardous substances information may be enforced only by the DOJ.

New Emergency Management Laws

In addition, Act 42 contains provisions relating to: (1) liability and licensure of volunteers during emergencies; (2) agricultural issues relating to pest control, animal carcasses, and the plant industry; (3) computation of school days; (4) hospital variances; (5) public works mutual assistance; and (6) computer or telecommunications systems emergencies.

2009 Wisconsin Act 56 requires employers to grant an unpaid leave of absence to an employee for purposes of participation in a Civil Air Patrol emergency service operation, if specified conditions are met.

2009 Wisconsin Acts 135 allows certain former military vehicles to be registered in a similar manner to antique vehicles with similar operating restrictions.

2009 Wisconsin Act 154 authorizes deputy sheriffs to deputize DMA security officers to conduct security checks of areas immediately adjacent to a military installation or of critical concern to the installation's commander, for the sole purpose of protecting the installation's state and federal personnel, assets, and equipment.

2009 Wisconsin Act 195 provides that persons with Wisconsin National Guard special distinguishing license plates may purchase a decal to affix to the plate designating the person's National Guard unit. DMA must specify, by rule, the various Guard units for whom the DOT will provide decals.

2009 Wisconsin Act 225 allows certain former military vehicles to be registered as a type of "special interest vehicle."

2009 Wisconsin Act 329 adopts the Interstate Compact on Educational Opportunity for Military Children. The compact addresses school transition issues that may be encountered by children of military families. The compact defines "child of a military family" as a school-aged child who is enrolled in any of the grades from Kindergarten to 12 and who resides in the household of a person on active duty. The compact contains provisions relating to: (1) educational records and enrollment; (2) placement and attendance; (3) eligibility for enrollment and extracurricular participation; and (4) graduation from high school. The compact also contains provisions setting forth the powers and duties of the Interstate Commission on Educational Opportunity for Military Children and provisions relating to member states to the compact such as the procedures for withdrawal from or dissolution of the compact.

2009 Wisconsin Act 363 contains provisions relating to: (1) emergency interim successors for legislators; (2) virtual meetings of the Legislature; and (3) emergency temporary locations for the Legislature. The Act is a product of the Legislative Council's Special Committee on Emergency Management and Continuity of Government.

Additional References

Veterans Affairs

- The state DVA website describes and has links to the various benefits, services, and facilities available to Wisconsin veterans at: <http://dva.state.wi.us>. The DVA toll-free information number is (800) 947-8387. Summaries of numerous veterans programs are available at: www.WisVets.com/Factsheets.
- The U.S. DVA website provides information about an array of federal veterans benefits, including burial and memorial benefits, health benefits and services, compensation and pension benefits, home loan programs, and education benefits at: <http://www.va.gov>.
- There is a veterans suicide prevention hotline at (800) 273-8255.
- The U.S. DVA operates a national center for PTSD. The center's telephone number is (802) 296-6300 and its website is <http://www.ncptsd.va.gov>.
- The August 2010 LAB report on rate setting for Wisconsin's veterans homes is at: http://www.legis.wisconsin.gov/lab/reports/10-ratesetting_itr.pdf.

Glossary of Terms and Abbreviations

CVSO – County veterans service officer.

DHS – Wisconsin Department of Health Services (formerly the Department of Health and Family Services).

DMA – Wisconsin Department of Military Affairs.

DVA – Wisconsin Department of Veterans Affairs.

EOP – Wisconsin Emergency Operations Plan.

ICS – Incident Command System.

OJA – Wisconsin Office of Justice Assistance.

PTSD – Post-Traumatic Stress Disorder.

U.S. DVA – The U.S. Department of Veterans Affairs, formerly known as the Veterans Administration.

VSO – A veterans service organization.

WEM – Wisconsin Emergency Management, the more commonly used name for the Division of Emergency Management.

Military Affairs and Emergency Management

- The DMA website describes the activities of the Wisconsin Army National Guard and Air National Guard, as well as the WEM system, at: <http://dma.wi.gov/>.
- Wisconsin's homeland security website is a comprehensive source of information on homeland security issues. The website is: <http://www.hsc.wi.gov>.
- Wisconsin's Emergency Management website is: <http://emergencymanagement.wi.gov>.
- The OJA's website is: <http://oja.state.wi.us>.
- Information about the rights and responsibilities of employees and employers under the federal USERRA when an employee is called to active military service is available at:

1. <http://www.dol.gov/vets/whatsnew/userraguide0903.rtf>.
 2. Employer Support of the Guard and Reserve, (608) 242-3169.
- Information about re-employment rights for military personnel called to state service by the Governor may be obtained from the Office of the Staff Judge Advocate in the Office of the Adjutant General, (608) 242-3071.
 - The LAB conducted a review of efforts by the state and by local governments to prepare for and minimize the effects of emergencies, such as natural disasters and hostile action, in May 2010. The report, *Emergency Management*, is available at: <http://www.legis.wisconsin.gov/lab/reports/10-9full.pdf>.

The LAB report reviewed expenditures of U.S. Department of Homeland Security grant funds awarded to Wisconsin for emergency management activities and following presidentially declared disasters. The report looked at activities of WEM, which is the lead state agency for emergency planning, and OJA, which distributes most federal funds. The grants LAB reviewed were spent in accordance with federal requirements. However, the report found that some emergency management priorities remain unmet, most notably in the area of a statewide communications system connecting all emergency responders.

- The LAB conducted a best practices review of county emergency management programs in November 2006. The report, *County Emergency Management Practices*, is available at: <http://www.legis.wisconsin.gov/lab/reports/06-0EmgPrepFull.pdf>. The report summarizes state and local emergency management requirements, and results from a survey of the 72 county emergency management directors, and provides information on federal emergency management grant funding awarded by DMA and OJA.

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