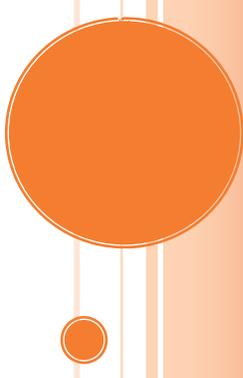
A faint, light-colored illustration of the Wisconsin State Capitol building, featuring a prominent dome and classical architectural elements like columns and a pediment. The building is centered in the background of the page.

WISCONSIN LEGISLATOR  
BRIEFING BOOK  
2015-16

## CHAPTER 23 – MILITARY AFFAIRS AND EMERGENCY MANAGEMENT

The Wisconsin Department of Military Affairs 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. The Department of Military Affairs also administers the state's emergency management system through its Division of Emergency Management.

Mike Queensland, Staff Attorney  
Wisconsin Legislative Council

A large orange circle is positioned in the lower right quadrant of the page. Below it, a smaller orange circle is located further down the right margin. The page also features a vertical orange gradient bar on the far right edge.

## TABLE OF CONTENTS

DEPARTMENT OF MILITARY AFFAIRS.....	1
MILITARY AFFAIRS.....	1
Wisconsin National Guard .....	1
Service Member Support Division Programs .....	4
Other Programs and Services.....	5
Differential Pay for Activated State Employees.....	6
Legal Protections for National Guard Members .....	7
WISCONSIN HOMELAND SECURITY COUNCIL .....	8
WISCONSIN EMERGENCY MANAGEMENT SYSTEM .....	8
Overview of System.....	8
Duties of Various Officials.....	8
Emergency Management Regions .....	9
Emergency Police and Fire Services .....	9
Role of County Sheriffs .....	9
Emergency Management Planning.....	12
Federal Funding.....	12
Incident Command System (ICS).....	12
First Responder Training .....	13
Mutual Aid Box Alarm System (MABAS).....	13
Disaster Assistance.....	13
Hazardous Materials .....	14
CONTINUITY OF LEGISLATIVE OPERATIONS.....	14
Interim Successors for Legislators .....	14
Virtual Meetings of the Legislature.....	15
Emergency Temporary Locations for the Legislature.....	15
ADDITIONAL REFERENCES .....	16
GLOSSARY .....	16

## DEPARTMENT OF MILITARY AFFAIRS

The Department of Military Affairs (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

**The DMA legislative liaison may be reached at (608) 242-3009. The chief legal counsel may be reached at (608) 242-3072. DMA's website, at: <http://dma.wi.gov> has links to WEM, the Army National Guard, and the Air National Guard.**

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., 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.

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. Chapters WEM 1-8, Wis. Adm. Code, contain WEM's administrative rules.

## MILITARY AFFAIRS

### Wisconsin National Guard

#### Organization and Dual Missions

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. A third deputy Adjutant General serves the Guard for civil authority support.

This person may be a member of either the Army or Air National Guard and may serve as joint chief of staff, responsible for

**When the National Guard is activated in state duty status, the Governor is its commander-in-chief.**

**When the National Guard is activated in federal duty status, the President becomes its commander-in-chief.**

overseeing the joint staff functions between the Army and Air National Guard.

The Guard 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

**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.defense.gov/news>.**

to provide trained units to the U.S. Army and Air Force in time of war or national emergency. 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.

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 the event of:
  - War, insurrection, rebellion, riot, invasion, terrorism, or resistance to execution of the laws of the state or of the United States.
  - A public disaster resulting from flood, fire, tornado, or other natural disaster.
  - A declared public health emergency.
- In order to assess damage or potential damage as a result of and to recommend responsive action to 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. The Adjutant General has numerous duties, including the following:

- Advising the Governor on military issues and transmitting military correspondence to and from the Governor.
- Under orders from the Governor, drawing from the state treasury money necessary for paying National Guard members on state active duty.
- Providing necessary medical supplies and services to the National Guard during periods of state active duty.
- Having custody of all military property, records, correspondence, and other documents relating to the National Guard.

### 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

**The federal government currently provides approximately 90% of the funding for the Wisconsin National Guard.**

training and supervision. The state provides personnel, conducts training, and shares the cost of constructing, maintaining, and operating armories and other military facilities.

### Army National Guard

The Wisconsin Army National Guard currently has approximately 7,500 members and includes the following subordinate commands:

- The Army National Guard Headquarters in Madison with a number of subordinate units. These include the Recruiting and Retention Battalion, the 505<sup>th</sup> Trail Defense Team, Detachment 52 Operational Support Airlift Command, the Army Aviation Support Facility #2, the Army Aviation Support Facility #1, in West Bend, and the U.S. Property and Fiscal Office and the Combined Support Maintenance Shop at Camp Douglas.
- 32<sup>nd</sup> Infantry Brigade Combat Team with headquarters in Camp Douglas and several subordinate units, including the 1-120<sup>th</sup> Field Artillery Battalion in Wisconsin Rapids, the 2-127<sup>th</sup> Infantry Battalion in Appleton, the 1-128<sup>th</sup> Infantry Battalion in Eau Claire, the 132<sup>nd</sup> Brigade Support Battalion in Portage, the 32<sup>nd</sup> Brigade Special Troops Battalion in Wausau, and the 105<sup>th</sup> Reconnaissance Squadron Target Acquisition in Madison.
- 157<sup>th</sup> Maneuver Enhancement Brigade with headquarters in Milwaukee and several subordinate units including the 257<sup>th</sup> Brigade Support Battalion in Oak Creek, the 357<sup>th</sup> Network Support Company in Two Rivers, the 1-121<sup>st</sup> Field Artillery Battalion in Milwaukee, the 108<sup>th</sup> Forward Support Company in Sussex, the 32<sup>nd</sup> Military Policy Company in Milwaukee, and the 724<sup>th</sup> Engineer Battalion in Chippewa Falls.
- 64<sup>th</sup> Troop Command with headquarters in Madison and several subordinate units including the 732<sup>nd</sup> Maintenance Battalion in Tomah, the 1-147<sup>th</sup> Aviation Battalion and the 54<sup>th</sup> Civil Support Team in Madison, the 64<sup>th</sup> Rear Operations Center in Monroe, the 332<sup>nd</sup> Rear Operations Center in Berlin, the 457<sup>th</sup> Chemical Company in Hartford, the 273<sup>rd</sup> Engineer Company in Medford, and the 641<sup>st</sup> Troop Command Battalion in Madison.
- 426<sup>th</sup> Regiment Regional Training Institution, located at Fort McCoy, which operates the Wisconsin Military Academy.

### Air National Guard

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

- The Air National Guard Headquarters at the Office of the Adjutant General and the 115<sup>th</sup> Fighter Wing at Truax Field, Madison.
- 128<sup>th</sup> Air Refueling Wing at General Mitchell Field, Milwaukee.

- 128<sup>th</sup> 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.

## Service Member Support Division Programs

**Further information about service member and family support programs is available online at:**

[www.wisconsinmilitary.org](http://www.wisconsinmilitary.org)

The Wisconsin National Guard's Service Member Support Division provides pre-, during-, and post-mobilization support to commanders and service members by establishing a centralized connection to the many 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, and youth and parent education and enrichment programs. Selected programs include the following:

- **National Guard Family Program:** establishes and facilitates ongoing communication, involvement, and support between service members and their families.
- **Child and 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.
- **The Sexual Assault Response Program:** provides prevention training to all service members and resource and referral services to victims of sexual assault and domestic violence.
- **Suicide Prevention Program:** provides suicide prevention and intervention, and training on the risk factors and warning signs of suicide and connects service members with resources.
- **Military Family Assistance Centers:** provide family members with information on entitlements and benefits available during the service member's deployment cycle.
- **Transition Assistance Advisor:** assists service members in accessing federal and state veterans benefits, programs, and services, as well as public and private programs and services.
- **Director of Psychological Health:** provides assistance and direction to service members who are having transitional difficulties in adjusting to redeployment or life challenges.

**The Service Member Support Division manages the administration of benefits, programs, and support services for Wisconsin service members and their families.**

- **Employer Support of the Guard and Reserve:** provides service members with education and awareness regarding employer relations, employment and re-employment rights, as well as programs and services to help strengthen employer support for the Guard and Reserve.

## Other Programs and Services

### National Guard Tuition Grant Program

The 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

**More information about the National Guard Tuition Grant program is available at:**

[http://dma.wi.gov/dma/SHR/tuition\\_grant\\_information.asp](http://dma.wi.gov/dma/SHR/tuition_grant_information.asp)

reimbursement at an eligible school. Eligible schools include a University of Wisconsin (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.

### 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 \$50,000.

### Challenge Academy

The mission of the Challenge Academy is to offer Wisconsin youths the opportunity to become successful, responsible citizens. The Challenge Academy is a two-phase, 17-month program that serves 16- to 18-year old youths who have dropped out of school or are at-risk of not graduating from high school. The first phase is a five-month residential, character development-based program in which participants work towards earning their High School Equivalency Diploma. The second phase is a 12-month post-residential period 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. The Wisconsin National Guard Challenge Academy began operations in 1998 at Fort McCoy.

### STARBASE Wisconsin

STARBASE Wisconsin is a Department of Defense-funded educational initiative for fifth grade students. Administered by the Wisconsin Air National Guard and based at the U.S.

Army Reserve Center in Milwaukee, the program provides 25 hours of interactive learning over the course of five weeks, which aims to provide students with experience and skills in science, technology, engineering, and math.

### 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 in Chapter 30, *Veterans*.

### Information on Military Points of Contact and Activations

The Adjutant General is required to provide the 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 county veterans service officers (CVSOs). In addition, the law permits the 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 that serve or grant aid or benefits to members and their dependents.

### 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, all of the following must apply:

- The employee was activated to serve or be serving on military duty in the U.S. Armed Forces, on or after January 1, 2003 other than for training purposes.
- On the date of activation, the employee was a member of either the Wisconsin National Guard or the Reserves, or recalled to active duty from inactive reserve status.
- The employee was on an authorized military leave of absence. The differential pay and benefits also apply

**Q: Is the differential pay benefit for activated state employees retroactive?**

A: 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.

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.

## Legal Protections for National Guard Members

### Federal and State Employment and Re-Employment Rights

The federal Uniformed Services Employment and Re-Employment 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 the same re-employment rights for persons called to state service in the National Guard.

### Other 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:

- 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.
- Staying civil court proceedings during the period of active service.
- Capping interest rates at 6% per year on debts incurred prior to entering the service.
- Protecting the member from eviction or mortgage foreclosure.
- 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.

- Providing college student members opportunities to complete course work and re-enroll in the school, if called to active duty while in school.

## WISCONSIN HOMELAND SECURITY COUNCIL

**The contact person for the Homeland Security Council is:**

**Randi Wind Milsap, Chief Legal Counsel, DMA (608) 242-3072.**

**The Homeland Security Council's website is: <http://www.hsc.wi.gov>**

The mission of the Homeland Security 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 works with local, state, federal, and tribal agencies, non-governmental organizations, and private industry to improve citizen and

community preparedness. The Governor is responsible for appointing each of the Council's 16 members.

## WISCONSIN EMERGENCY MANAGEMENT SYSTEM

### Overview of System

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

**The WEM website is: <http://emergencymanagement.wi.gov>**

The 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 American Indian 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.

### Duties of Various Officials

The Governor, Adjutant General, 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

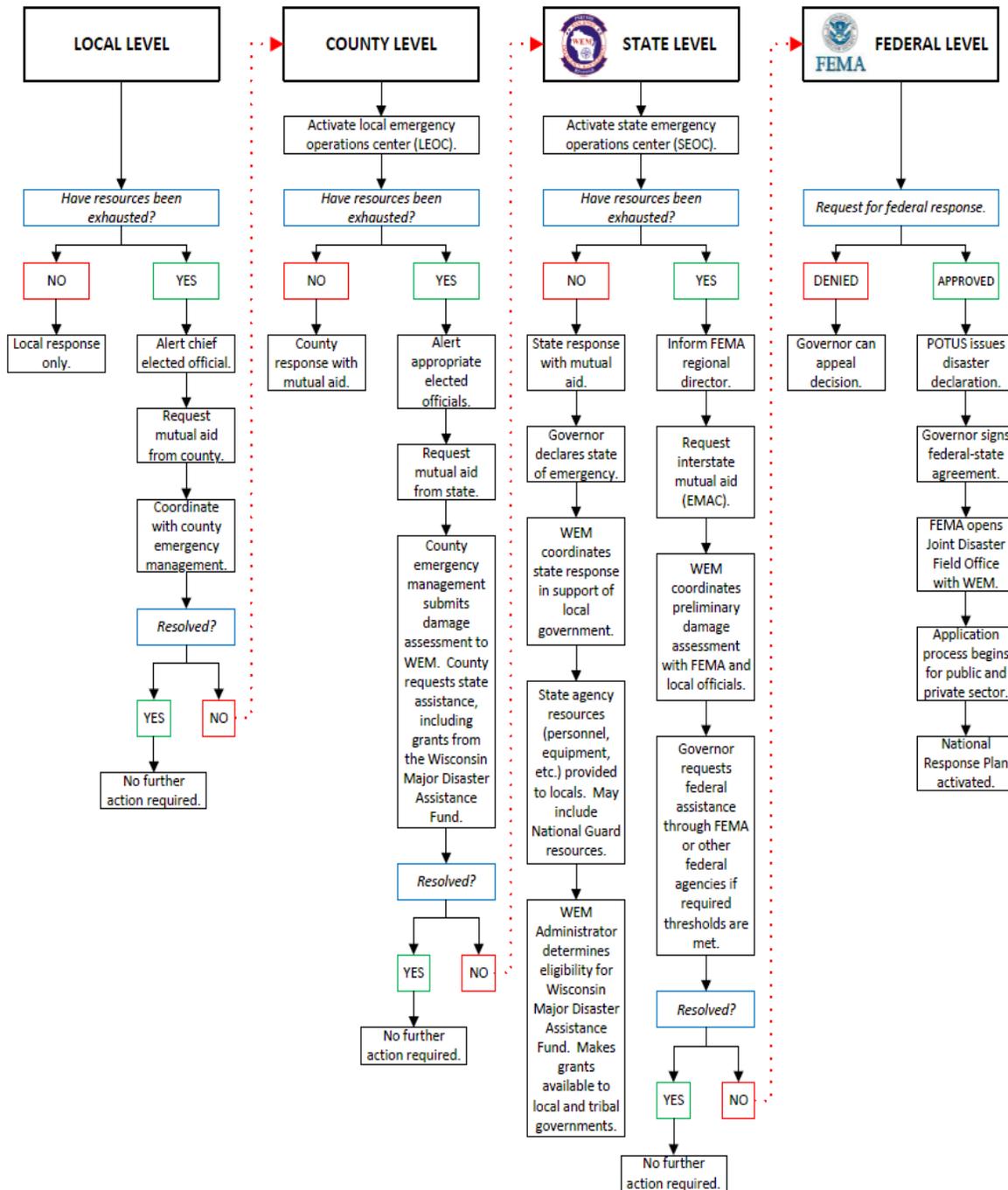
WEM also provides an Emergency Police Services (EPS) Director and an Emergency Fire Services Coordinator to assist the state, its subdivisions, and tribes during emergencies. The EPS director coordinates state law enforcement response to emergencies, including coordination of mutual aid for law enforcement assistance in natural and man-made disasters, prison disturbances, and other emergencies. The Emergency 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. In addition, the Emergency 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 statewide. 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.

Following are two documents prepared by the DMA: the first is a disaster response flowchart that delineates local, county, state, and federal level response sequences; and the second is a chart showing various officials who are authorized to declare a disaster.

## DISASTER RESPONSE FLOWCHART



Source: DMA

### WHO MAY DECLARE A DISASTER?

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

EMERGENCY CONTACT INFORMATION	GENERAL CONTACT INFORMATION
<p style="text-align: center;"><b><u>24-Hour Emergency Contact Number</u></b> To contact the Wisconsin State Duty Officer, dial (800) 943-0003</p>	<p><b><u>Wisconsin Emergency Management (WEM)</u></b> Main Telephone: (608) 242-3232 Fax: (608) 242-3247</p> <p><b><u>Wisconsin Department of Military Affairs (DMA)</u></b> Main Telephone: (608) 242-3000 State Legal Office: (608) 242-3072 Judge Advocate General: (608) 242-3077 Fax: (608) 242-3082</p>
<p><b><u>Wisconsin Joint Operations Center (JOC)</u></b> To contact the JOC, dial (800) 335-5147 x8400</p>	
<p><b><u>Wisconsin Statewide Information Center (WSIC)</u></b> To contact the WSIC, dial (888) DCI-WSIC</p>	

Source: DMA

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 Department of Health Services 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 Department of Administration 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

**The Adjutant General carries out statewide training programs and exercises and serves as the principal assistant to the Governor in directing emergency management activities.**

(ERP), sets forth the responsibilities of state and local officials to take specific actions. The Adjutant General must seek advice from the DHS regarding emergency medical aspects of the ERP and from the DOA regarding computer or telecommunications aspects of the ERP.

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 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.

## Incident Command System (ICS)

“Incident command system” (ICS) 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.” The state plan of emergency management requires use of the 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. County and municipal emergency management plans are subject to a similar requirement. In addition, the DHS is required to ensure that emergency operations are conducted using ICS during a declared public health emergency in which the DHS is designated as the lead state agency.

The Adjutant General, through WEM, must provide training in the 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 the 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, the 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.

## Mutual Aid Box Alarm System (MABAS)

The Adjutant General must 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. MABAS is a fire service mutual aid system connecting fire, EMS, special operations, and hazardous materials resources. 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.

## Disaster Assistance

### Wisconsin Major Disaster Assistance Program

This state program is a fund that makes payments to local units of government for damages and costs incurred as a result of a disaster. A “disaster” is 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. Funds from the Wisconsin Major Disaster Assistance Program may be used for costs including debris removal, emergency protective measures, and road damage. Local governments must provide a 30% match.

### 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 the following types of aid:

- 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.

- Hazard mitigation grants (same cost-sharing) to develop hazard mitigation plans and fund mitigation measures.

Funding is available to individuals, farmers, and businesses in the form of:

- Disaster housing grants.
- Small Business Administration loans.
- Other needs assistance grants.
- Farm Service Agency loans.

## Hazardous Materials

### Emergency Planning and Community Right-to-Know Act

The Emergency Planning and Community Right-to-Know Act (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.

### Hazardous Materials Response

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. There are currently 25 HAZMAT teams strategically located throughout the state.

## CONTINUITY OF LEGISLATIVE OPERATIONS

### Interim Successors for Legislators

Wisconsin law provides a mechanism for choosing interim successors for legislators if specified criteria are met. The provision takes effect if there are nine or more vacancies in the Senate at the same time or if there are 25 or more vacancies in the Assembly at the same time.

Under the provision for interim successors for Senators, the Senate leader of each political party for each vacant Senate seat that was last held by a member of his or her own party must request the state chairperson of that party to solicit nominations for an interim successor from county chairpersons of the party in each county that is at least partially within the Senate district. The Senate leader must request that the state chairperson select three to five potential interim successors from the nominees submitted by the county chairpersons and request that the state chairperson submit the names to the Senate leader

of the party within seven days after the date on which the ninth Senate vacancy occurred. Within 14 days after the ninth vacancy occurred, the Senate leader of the political party must appoint an interim successor from the list of potential interim successors that is submitted by the state chairperson of the party. The act lists the order in which persons are determined to be the Senate leader for the majority party and for the minority party.

A similar procedure is specified for situations in which there are 25 or more vacancies in the Assembly at the same time.

## Virtual Meetings of the Legislature

Additionally, each house of the Legislature, pursuant to its rules or joint rules, may issue a notice that the house and its committees are prevented from physically meeting at the seat of government due to a disaster or the imminent threat of a disaster. If a notice is issued, the house and any committee of the house may conduct a virtual meeting and transact business using any means of communication by which all of the following occur: (1) the identity of each participating member is verified and the actions of each participating member are authenticated; (2) all participating members are able to simultaneously hear or read the comments of members recognized to speak; (3) any document that is used by a member and that is accepted by the presiding officer or chairperson is immediately transmitted to the other participating members; and (4) the public has the opportunity to monitor the proceedings, within technological limits.

**2009 Wisconsin Act 363 created many of the provisions relating to: (a) emergency interim successors for legislators; (b) virtual meetings of the Legislature; and (c) emergency temporary locations for the Legislature. This legislation was a product of the Joint Legislative Council's Special Committee on Emergency Management and Continuity of Government. Information may be found at:**

**<https://docs.legis.wisconsin.gov/2009/proposals/sb227>**

## Emergency Temporary Locations for the Legislature

Whenever during a state of emergency it becomes imprudent, inexpedient, or impossible to conduct the affairs of state government at the state capital, the Governor is required to designate an emergency temporary location for the seat of government and to take such action and issue such orders as are necessary for an orderly transition of the affairs of state government to that location. While the seat of government remains at a temporary location, all official acts required by law to be performed at the seat of government are as valid and binding when performed at the temporary location as if performed at the normal location.

Wisconsin law also allows the Legislature, by joint rule, to provide a process for designating an emergency temporary seat of government for the Legislature that is different than the location designated by the Governor. Whenever, as the result of a disaster or the imminent

threat of a disaster, it becomes imprudent, inexpedient, or impossible to conduct the business of the Legislature at the state capital, the Legislature may meet either at the location designated by the Governor or the location designated by the Legislature itself. Information about this location is not subject to inspection or copying under the Open Records Law. Furthermore, the Legislature may meet for up to one week per session in a location other than the state capital or the temporary seat of government designated by the Governor, in order to practice meeting in a temporary location.

## ADDITIONAL REFERENCES

1. 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/>.
2. Wisconsin's Homeland Security website is a comprehensive source of information on homeland security issues. The website is: <http://www.hsc.wi.gov>.
3. WEM's website is: <http://emergencymanagement.wi.gov>.
4. Information on emergency preparedness is available at <http://ready.wi.gov>.
5. Information about the rights and responsibilities of employees and employers under the federal USERRA is available at:
  - <http://www.dol.gov/vets/whatsnew/userraguide0903.rtf>.
  - Employer Support of the Guard and Reserve, (608) 242-3169.
6. Information about re-employment rights for military personnel called to state service may be obtained from the Office of the Staff Judge Advocate DMA (608) 242-3071.
7. Legislative Audit Bureau audit reports available at <http://www.legis.wisconsin.gov/lab>:
  - *Emergency Management* (Audit Report 10-9).
  - *County Emergency Management Practices*, (best practices review, November 2006).

## GLOSSARY

**CVSO:** County Veterans Service Officer. Each county has a CVSO who is responsible for providing information and assistance to individuals seeking state and federal benefits, programs, and services.

**Disaster:** Wisconsin law defines “disaster” as 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.

**WERP:** Wisconsin Emergency Response Plan. The ERP is the state's comprehensive emergency management plan.

**ICS:** Incident Command System. Wisconsin law defines ICS 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.

**MABAS:** Mutual Aid Box Alarm System. MABAS is a fire service mutual aid system connecting fire, EMS, special operations, and hazardous materials resources.

**WEM:** Wisconsin Emergency Management. WEM is the informal name of the Division of Emergency Management in DMA.

**Wisconsin Legislative Council**

One East Main Street, Suite 401

Madison, WI 53703-3382

Phone: (608) 266-1304