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## WISCONSIN LEGISLATIVE COUNCIL

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### **SPECIAL COMMITTEE ON EMERGENCY MANAGEMENT & CONTINUITY OF GOVERNMENT**

Legislative Council Conference Room  
Madison, Wisconsin

September 10, 2008  
10:00 a.m. – 2:40 p.m.

[The following is a summary of the September 10, 2008 meeting of the Special Committee on Emergency Management and Continuity of Government. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

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#### **Call to Order and Roll Call**

Representative Ballweg called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Senator Robert Jauch, Chair; Representative Joan Ballweg, Vice Chair; Representatives Samantha Kerkman and Marlin Schneider; and Public Members Gary Dalton, Dr. Azita Hamedani, Ken Hartje, Keith Kesler, Robert Ritger, and Dean Roland.

COMMITTEE MEMBER EXCUSED: Public Member Johnnie Smith.

COUNCIL STAFF PRESENT: Dick Sweet and Pam Shannon, Senior Staff Attorneys.

APPEARANCES: Diane Kleiboer, Supervisor, Disaster Recovery Section, Division of Emergency Management, Department of Military Affairs (DMA); and Jennifer Lord-Kouraichi, Director, Clark County Emergency Management; Christine Walsh, Operations Director, City of Beloit; and Ernesto Martinez, Battalion Chief, Madison Fire Department; and Gregg Cleveland, Chief, La Crosse Fire Department.

## **Approval of the Minutes of the July 30, 2008 Meeting**

*Mr. Dalton moved, seconded by Mr. Ritger, to approve the minutes of the July 30, 2008 meeting. The motion passed on a voice vote.*

## **Presentations by Invited Speakers**

[Note: Testimony and documents referred to by the speakers are posted on the committee's Internet site.]

***State Disaster Assistance Program: Diane Kleiboer, Supervisor, Disaster Recovery Section, Division of Emergency Management, Department of Military Affairs (DMA); and Jennifer Lord-Kouraichi, Director, Clark County Emergency Management***

Ms. Kleiboer began by discussing Wisconsin's disaster history, including the fact that there have been 21 events since 1990 that have merited federal disaster declarations. However, she noted that there are an additional three to five disasters each year that do not qualify for federal disaster assistance. She noted that in order for a disaster to qualify for federal assistance, the state and the affected counties have to meet certain per capita dollar thresholds of damage. She noted that the Wisconsin Disaster Fund was established in April 2006 because of storms in August 2005 and the subsequent denial of federal assistance and that the money available under the fund was made retroactive.

Ms. Kleiboer noted that eligible costs under the Wisconsin Disaster Fund include debris removal, emergency protective measures, and repairing damage to roads and bridges. However, the fund does not cover damage to water control facilities, buildings and equipment, utilities, ordinary operating expenses, costs that have been or will be covered from other funding sources such as insurance, claims totaling less than \$500, and damages incurred by individuals or businesses. She mentioned that the fund had been used in 11 cases since its inception.

Chair Jauch mentioned several suggestions for changes in the Wisconsin Disaster Fund, including the following: (1) increasing the funding level; he noted that the Department of Transportation's flood program has a sum-sufficient appropriation; (2) possible increases in staffing at Wisconsin Emergency Management (WEM), since timeliness of response is critical; (3) changing the statutes that govern the fund so that it covers all disasters and not just natural disasters; (4) looking at increasing the state's dam assistance program. Chair Jauch indicated that he would like from WEM a list of counties that have filed an official application for funding under the fund.

Ms. Lord-Kouraichi stated that the Wisconsin Emergency Management Association supports the preservation and continued funding of the Wisconsin Disaster Fund. She presented the committee with testimony and photographs regarding communities that have benefited from the fund. She described the Stoughton tornadoes of August 2005 that led to creation of the fund and noted that in many rural towns, the debris removal costs alone exceed their annual road maintenance budgets. In addition to citing the Dane County Emergency Management Director, she mentioned that the Richland County Emergency Management Director stated that the county did not receive a presidential declaration for the August 2005 tornadoes and without the Wisconsin Disaster Fund and other state funding, the recovery process would not have been successful.

Ms. Lord-Kouraichi also cited examples from other counties in Wisconsin, including Wisconsin Disaster Fund assistance for windstorms and localized flooding, and said that one storm event can have

significant economic consequences. In addition, in fires that affected Adams County, federal funding was unavailable, so the Wisconsin Disaster Fund was the only available option. She also quoted the Emergency Management Director from Grant County who noted that when only one or two Wisconsin counties sustain damages, Wisconsin is generally unable to meet the state per capita threshold for federal assistance; in those instances, the Wisconsin Disaster Fund serves as a “safety net” for communities. She went on to conclude that the Wisconsin Disaster Fund was originally set at a \$3 million annual appropriation, with a fixed source of funding. She added that without legislation to add money to the fund, there may not be funds available to local jurisdictions affected by disasters in the next biennium.

Chair Jauch expressed concerns about levy limits for localities. Ms. Kleiboer noted that for federal disasters, the federal government reimburses 75% of the costs, the state reimburses 12.5%, and the localities are required to pay the remaining 12.5 %. She stated that local units of government are concerned about not being able to meet their 12.5% share. She added that under the Wisconsin Disaster Fund, the state pays 70% of the cost and the localities are required to pay the remaining 30%.

***Public Works Mutual Aid: Randi Milsap, Legal Counsel, DMA; and Christine Walsh, Operations Director, City of Beloit***

Ms. Walsh indicated that she brought with her members of the public works community from Wisconsin. She noted that as a result of a presidential declaration, public works personnel are considered first responders. She described how public works was in charge of the incident command system during the flood and snow emergencies in Beloit in 2008. She added that public works is responsible for designing, building, maintaining, and protecting the nation’s infrastructure. She added that there is a need to include public works personnel on state councils and boards that deal with emergency management issues. She also noted that during the snowstorm in early 2008 that resulted in the tie-up on the interstate highway, public works was not contacted to deal with the crisis, even though they had many plows available.

Ms. Milsap noted that public works needs to be added to the state statutes that deal with emergencies. Under mutual aid, there is a right to refuse if the agency is not able to respond. She stated that under mutual aid, personnel aid who are dispatched remain employees of the aiding unit. She noted that recent legislation, 2007 Assembly Bill 736 and 2007 Senate Bill 423, promoted a multi-jurisdictional collaboration between public works agencies at the city, village, town, county, and tribal levels. The legislation was drafted a suggestion, not a mandate, and was intended to be all-inclusive.

With regard to future use of mutual aid, she noted that there should be a statutory change, increased use of mutual aid, adoption of statewide agreements, integration of all levels, resource typing and mission scripting, regionalization, and an increase in coordination with the private sector. In response to a question from Representative Ballweg as to whether public works personnel were included on local emergency planning committees, Ms. Milsap stated that this is not specifically identified in the law, but they could have been included.

***Urban Search and Rescue: Randi Milsap, Legal Counsel, DMA; Ernesto Martinez, Battalion Chief, Madison Fire Department; and Gregg Cleveland, Chief, La Crosse Fire Department***

Mr. Martinez stated that as a result of the collapse of the University Pharmacy Building during its construction, his agency realized that they did not have the equipment or training to deal with situations like this. Mr. Cleveland described circumstances in which collapsing buildings can be stabilized. Mr. Martinez added that it usually takes the Federal Emergency Management Agency

(FEMA) three days to get to a site and that urban search and rescue teams can be used to mitigate hazards until FEMA arrives. Mr. Martinez added that there are four teams statewide and that they are able to deploy 24 people to a site within four hours.

Ms. Milsap stated that as a next step, the committee should consider enacting a statute that creates regional urban search and rescue teams, using the regional hazardous materials team statute (HAZMAT) as a model. This would provide that the teams and its members are state agents when activated, could provide annual funding for sustainability, define training standards, reimburse for responses, and create civil liability exemptions for teams, members, and sponsoring agencies. WEM could also promulgate an administrative rule that provides for reimbursement for response and could develop a response matrix for activation of the teams. Additional funding could be provided under the emergency response supplement in the statutes. WEM could assist in developing and negotiating contracts with teams and agencies.

Mr. Cleveland added that the hazardous materials team model is a successful model. He added that the Office of Justice Assistance (OJA) has information on training costs related to urban search and rescue teams. Mr. Ritger suggested that if training and support is provided for the heavy teams, the committee should also consider doing so for other local teams.

***HAZMAT Funding: Randi Milsap, Legal Counsel, DMA; and Gregg Cleveland, Chief, La Crosse Fire Department***

Chair Jauch noted that he authored 1991 Wisconsin Act 104 to address a propane tank that fell into the Nemadji River in 1992. Ms. Milsap noted that up to nine response teams are allowed under the statutes to deal with Level A releases, which are described in federal law. She added that the members of the regional hazardous materials teams are considered state employees for Workers Compensation purposes, that there is a civil liability exemption for teams, team members, and sponsoring agencies, and that there is an emergency response supplement in the statutes to reimburse for responses. She noted that Act 104 created a \$1.4 million appropriation, but this appropriation has almost run out. She provided details about how often the regional response teams have been used, but noted that these figures did not include telephonic assistance to deal with hazardous materials.

Mr. Cleveland noted that there has been no increase in funding for this program and, as a result, they have had to cut costs. He noted that a 2002 Legislative Audit Bureau audit of the program was very favorable. In response to a question from Representative Kerkman as to what other states do in this area, Mr. Cleveland stated that he would check and get back to the committee on this. Senator Jauch stated that he would like information on what extra amounts local units of government have had to pay because of the state freeze on funding in this area and he would like WEM to tell him which local departments have been affected. Mr. Cleveland concluded by congratulating the Legislature on creating the program and stated that it is cutting edge.

**Discussion of Committee Assignment**

Chair Jauch stated that he would like the next meeting to include a public hearing, followed by a delineation of issues under consideration by the committee.

In response to a concern from Representative Schneider with regard to medical wastes and hazards at hospitals and laboratories, Mr. Dalton noted that laboratories have to meet security standards established by the Centers for Disease Control and Prevention (CDC).

Mr. Hartje stated that he would like to invite Brian Satula to speak at the public hearing regarding the mutual aid box alarm system (MABAS).

### **Other Business**

There was no other business brought before the committee.

### **Plans for Future Meetings**

The next meeting of the Special Committee will be a public hearing *at 10:00 a.m., on Wednesday, October 1, 2008, in Room 412 East, State Capitol.*

### **Adjournment**

The meeting was adjourned at 2:40 p.m.

RNS:ty