



WISCONSIN LEGISLATIVE COUNCIL

SPECIAL COMMITTEE ON EMERGENCY MANAGEMENT & CONTINUITY OF GOVERNMENT

Room 412 East
State Capitol

October 1, 2008
10:00 a.m. –1:45 p.m.

[The following is a summary of the October 1, 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.>]

Call to Order and Roll Call

Chair Jauch called the meeting to order. The roll was called and it was determined that a quorum was present. The Chair then introduced Doug Holton, Milwaukee Fire Chief, who will replace Dan Alexander on the committee.

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, Dean Roland, and Johnnie Smith.

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

APPEARANCES: Larry Arft, City of Beloit; Bill Bazan, Wisconsin Hospital Association; Jay B. Behling, South Milwaukee Fire Department; David Callender and John Reinemann, Wisconsin Counties Association; Greg Engle and David Steingraber, Office of Justice Assistance; Joe Gehin, City of Wausau; Ed Geick, City of Baraboo; Ed Huck for John Wilmet, City of Fort Atkinson; Lawrie Kobza, Municipal Environmental Group, Water Division, Boardman Law Firm; Ron Krueger, City of Watertown; Ernie Martinez, Madison Fire Department; Dean C. Meyer, Ladysmith Police Department; Lonnie Muller, Wisconsin Towns Association and Town of Stark, Vernon, County; Dean Redman, City of Wauwatosa; Brian Satula, City of Oak Creek and MABAS-WI; Kathryn Schauf, Sauk City; Tom Sigmund, Green Bay Metropolitan Sewerage District; and John Somers, City of Beaver Dam.

Approval of the Minutes of the September 10, 2008 Meeting

Mr. Hartje moved, seconded by Representative Kerkman, to approve the minutes of the September 10, 2008 meeting. The motion passed on a voice vote.

Public Testimony

David Steingraber, Executive Director, and Greg Engle, Homeland Security Program Director, Office of Justice Assistance (OJA)

Mr. Steingraber noted that Governor Doyle has designated OJA as the administrative agency to receive federal Homeland Security Grant Program (HSGP) funds. He said those funds totaled \$16 million for federal fiscal year 2008, of which \$4.5 million went to the Milwaukee Urban Area Initiative and the remaining \$11.5 went to the state. He said the \$16 million represents a 10% decline in funding from the previous year. He noted that federal homeland security funding has evolved from having a counterterrorism focus following 9/11 to having more of an all-hazards approach post-Katrina, so that homeland security funds now play a larger role in disaster relief. He discussed the federal Emergency Management Planning Grants that are passed through to Wisconsin Emergency Management (WEM) and the work of the statutory Statewide Communications Interoperability Council, which he chairs. He noted that the council approved the statewide interoperability plan in December 2007. He also said that the Homeland Security Council is currently updating the state's homeland security strategy, which emphasizes areas such as interoperability, information sharing between emergency management and law enforcement, collection and dissemination of intelligence, citizen preparation, and state and local coordination. The update is expected to be completed by January 2009.

Mr. Engle noted that HSGP funding has decreased 70% since 2004 and that in three years, OJA will no longer be able to sustain its current activities in the areas of heavy rescue, regional response, and interoperability. He said that the program's risk-based formula hurts Wisconsin and other states in the region. He said the state has received a one-time federal grant of \$15.3 million to implement the statewide interoperability plan, with investments in mobile communications capability (through WEM) and the statewide communications system known as WISCOM. Mr. Engle explained that the state has purchased P25 radios which communities will need for interoperable communications and that software upgrades and tower construction will also be needed. He noted that some communities will retain their current communications system for everyday use and obtain the new system for larger mutual aid incidents.

Chair Jauch asked Mr. Engle for a list of communities that have P25 radios and that have requested state funding and the interoperability infrastructure in place and the funding expended on those items. Mr. Roland noted that Burnett County needs \$4.3 million for towers, just to conduct day-to-day operations, and explained that it will be difficult for poorer counties to pay for interoperability-related expenses when local capacity is lacking.

Brian Satula, Fire Chief, Oak Creek and President, MABAS-WI

Mr. Satula gave a PowerPoint presentation about the Mutual Aid Box Alarm System (MABAS), a fire service 911 system that started in Illinois and has since been enacted in Wisconsin. He said that under a MABAS agreement, locals retain control under the incident command system and that 80% of personnel and equipment stay at home, while 20% may be sent to an incident. He noted that an intergovernmental agreement governs MABAS participants and that participation is voluntary. He said that MABAS-WI uses the same six regions as WEM and that four services are covered by the system plan--firefighting, emergency medical services, search and rescue, and HAZMAT. He suggested that state support be provided for urban heavy rescue teams and that rescuers be under state liability caps.

Ernie Martinez, Battalion Chief, Madison Fire Department

Mr. Martinez noted he addressed the committee at its last meeting on the subject urban heavy rescue teams. He reiterated his earlier comments that budgets are tight and there is a need to address liability, workers compensation, and sustainability of the teams. He suggested the possibility of umbrella legislation to cover all of the team concepts, including regional HAZMAT teams, heavy rescue teams, and MABAS.

Ron Krueger, Mayor, Watertown

Mr. Krueger addressed levy limits, noting that the increase in the levy will not even cover his community's cost of road salt. He said the limits should be raised without having to go to referendum.

Bill Bazan, Vice-President, Wisconsin Hospital Association

Mr. Bazan cited the need for emergency preparedness partners to collaborate regionally. He distributed a list of possible statutory changes to modify or waive certain requirements during public health emergencies, relating to payments to providers that incur catastrophic costs, managed care, hospital patient population limits, and guardianship.

John Somers, City Manager, Beaver Dam

Mr. Somers said Beaver Dam has incurred \$850,000 in additional costs from flooding, a portion of which will be recouped from FEMA, but \$100,000-\$150,000 of which will have to come from general fund reserves, which will lead to a decline in the city's bond rating. He said communities need relief from levy limits for extraordinary costs.

Dean Meyer, Chief of Police, Ladysmith

Mr. Meyer said that the best emergency management decisions are made locally. He suggested that the 1033 surplus property program be restored to its previous levels. He also suggested modifying civil liability laws relating to volunteers in emergencies. He asked for clarification whether local authorities may force persons from their homes during an emergency.

Larry Arft, City Manager, Beloit

Mr. Arft noted Beloit sustained two disasters in five months, a snowstorm and floods, and that the current levy limit program makes no provisions for communities to recover extraordinary expenses during an emergency response. He noted that the tax levy legislation is scheduled to sunset at the end of

the current biennium and urged the Legislature to consider modifying the formula to provide that unreimbursed expenses in a declared emergency be included in the base for that fiscal period so that funds expended can be captured in a subsequent year's property tax levy. He noted that there is a precedent for adjusting the base relating to programs that are transferred from one jurisdiction to another.

Jay Behling, Chief, South Milwaukee Fire Department

Mr. Behling urged the committee to consider funding for regional search and rescue task forces.

Ed Geick, City Administrator, Baraboo

Mr. Geick said he agrees with the suggestion made by Mr. Arft regarding levy limits, noting that the current law forces communities into long-term debt. He also asked for clarification on the question of the authority to forcibly remove people from their homes during an emergency.

Kathryn Schauf, Administrative Coordinator, Sauk City

Ms. Schauf noted the problem of long-term recovery following a disaster and said that Sauk County continues to sustain costs relating to the recent flooding, including those in the area of planning and zoning that are not funded or reimbursed except through property taxes. She noted the need for public-private partnerships and the problem of local funds having to supplant declining emergency management grant funds.

Joe Gehin, Director of Public Works, Wausau

Mr. Gehin discussed the WISWARN program, which deals with water and wastewater issues during an emergency. He said the program, now adopted by 30 states, should be developed in Wisconsin to address mutual aid in those areas.

David Callender and John Reinemann, Wisconsin Counties Association

Mr. Callender and Mr. Reinemann noted they had provided written testimony on levy limits.

Tom Sigman, Executive Director, Green Bay Metropolitan Sewerage District

Mr. Sigman said he supports the WISWARN system and that it is similar to the MABAS fire response system. He said the committee should not take any action that would hinder the implementation of WISWARN.

Lawrie Kobza, Legal Counsel, Municipal Environmental Group, Water Division

Ms. Kobza noted the September 10, 2008 committee discussion about public works mutual aid, in which water and wastewater were "lumped together" with other public works. She described WISWARN as a mutual aid agreement that will take effect when two more communities sign on to it. She said water and wastewater should not be grouped with public works but rather kept separate from issues such as roads and debris. In response to a question, she said she does not believe that legislative

recognition of WISWARN is needed and cited concerns about the inclusion of water and wastewater in the public works mutual aid bill from the last session.

Lonnie Muller, Chair, Town of Stark, Vernon County, and Wisconsin Towns Association

Mr. Muller said that levy limits should be eliminated for small towns and that municipalities should be allowed to factor in emergency costs as a separate entity outside the levy limits and separate from normal operating expenses. He also suggested eliminating the requirement to file chemical storage reporting forms for keeping mixtures of road salt and sand.

Ed Huck for John Wilmet, City Manager, Fort Atkinson

Mr. Huck noted that reserves are in decline and that many cities are on the margin at present. He added that with one more disaster event, many communities will be unable to respond.

Dean Redman, Fire Chief, Wauwatosa

Mr. Redman spoke in favor of funding technical rescue task forces and said that all communities should have a quality heavy rescue capability.

Doug Holton, Fire Chief, Milwaukee

Mr. Holton, who is awaiting formal appointment as a committee member, spoke in favor of sustained funding for regional heavy rescue teams.

Discussion of Committee Assignment

Chair Jauch asked staff to compile a list of the issues raised to date, for committee discussion at the next meeting. Mr. Roland asked that the issue of school shootings be added to the list. Chair Jauch said it would be added and suggested that both he and Mr. Roland also contact the Joint Legislative Council's Special Committee on School Safety.

Other Business

There was no other business brought before the committee.

Plans for Future Meetings

The next meeting of the Special Committee will held on ***Wednesday, November 12, 2008, at 10:00 a.m., in the Large Conference Room at the Legislative Council.*** A subsequent meeting has been tentatively scheduled for Wednesday, December 10, 2008, at 10:00 a.m.

Adjournment

The meeting was adjourned at 1:45 p.m.

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