



WISCONSIN LEGISLATIVE COUNCIL
REPORT TO THE LEGISLATURE

SPECIAL COMMITTEE ON
DISASTER PREPAREDNESS
PLANNING

[2007 ASSEMBLY BILL 321]

May 15, 2007

RL 2007-11

Special Committee on Disaster Preparedness Planning

Prepared by:
Richard Sweet and Pam Shannon, Senior Staff Attorneys, and Jessica Karls, Staff Attorney
May 15, 2007

CONTENTS

PART I - KEY PROVISIONS OF COMMITTEE RECOMMENDATION	3
2007 Assembly Bill 321, Relating to Designation of State Agency Status for Certain Health Care Facilities That Use Volunteer Providers During a Declared State of Emergency; Declarations of Emergencies by Counties; Immunity From Liability for Qualified Food and Emergency Household Products; Creating an Interoperability Council; and Requiring Public and Private Schools to Conduct Tornado or Other Hazard Drills	3
PART II - COMMITTEE ACTIVITY.....	5
Assignment.....	5
Summary of Meetings.....	5
PART III - RECOMMENDATION INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL	11
Background	11
Description	11
Appendix 1 - Committee and Joint Legislative Council Votes	15
Appendix 2 - Lists of Joint Legislative Council Members	17
Appendix 3 - List of Committee Members.....	19
Appendix 4 - Committee Materials List.....	21

PART I

KEY PROVISIONS OF COMMITTEE RECOMMENDATION

The Joint Legislative Council recommends the following for introduction in the 2007-08 Session of the Legislature.

2007 Assembly Bill 321, Relating to Designation of State Agency Status for Certain Health Care Facilities That Use Volunteer Providers During a Declared State of Emergency; Declarations of Emergencies by Counties; Immunity From Liability for Qualified Food and Emergency Household Products; Creating an Interoperability Council; and Requiring Public and Private Schools to Conduct Tornado or Other Hazard Drills

2007 Assembly Bill 321, which was prepared by the Special Committee on Disaster Preparedness Planning, does all of the following:

- Expands the current law that provides state agent status for specified types of volunteers at health care facilities during emergencies to also provide state agent status for the facilities.
- Adds counties to the statute that specifically authorizes local units of government to declare emergencies, thereby providing state agent status to certain volunteers during county-declared emergencies.
- Expands the current law that provides immunity from liability for certain food donated to a charitable organization or food distribution service to also include food donated to a governmental unit. The bill also includes donations of emergency household products during declared emergencies.
- Creates a statutory Interoperability Council, which would replace the current council established by executive order.
- Requires schools to conduct tornado or other hazard drills at least twice each year.

PART II

COMMITTEE ACTIVITY

Assignment

The Joint Legislative Council established the Special Committee on Disaster Preparedness Planning and appointed the chairperson by a June 9, 2006 mail ballot. The committee was directed to study and make recommendations in the area of public and private cooperation in preparedness planning for emergency responses to natural and man-made disasters, including pandemics. Issues to be examined include: (1) private sector assistance to governmental entities responding to disasters; (2) plans for state and local legislative bodies to continue to function during disasters, including lines of succession; (3) responsibility for evacuating hospitals and long-term care facilities; (4) the ability for products such as food and first aid supplies to reach markets during disasters; (5) alternative transportation plans for supplies; (6) responsibility for keeping civil order during disasters; (7) responsibility for caring for medically needy persons during disasters; (8) dissemination of information to the public during disasters if regular modes of communication are unavailable; (9) coordination of resources in rural areas through regional plans; and (10) effectiveness of mutual aid agreements, with an emphasis on interstate mutual aid agreements, and liability issues under these agreements.

Membership of the Special Committee, appointed by an August 1, 2006 mail ballot, consisted of four Representatives and 12 public members. A list of committee members is included as *Appendix 3* to this report.

Summary of Meetings

The Special Committee held six meetings in Madison on the following dates:

September 13, 2006	December 13, 2006
October 11, 2006	January 10, 2007
November 16, 2006	February 14, 2007

At the September 13, 2006 meeting, the committee heard testimony from several invited speakers. Johnnie Smith, Administrator of the Division of Emergency Management (“Wisconsin Emergency Management” or “WEM”), Department of Military Affairs (DMA), described the organization of DMA and WEM and provided information about WEM regional offices; hazardous materials regional response teams; the role of WEM, local government, and the federal government in disasters; and the Governor’s Homeland Security Council. He also described the Mutual Aid Box Alarm System (MABAS), a mutual aid mechanism for fire, rescue, and emergency medical services (EMS) to use in multi-jurisdictional or multi-agency responses.

Patrick Cooper, Acting Administrator, Division of Management and Technology, Department of Health and Family Services (DHFS), joined by Tom Anderson, Dennis Tomczyk, and Oren Hammes, DHFS, explained the emergency “all-hazards” plans that have been developed and tested at each of DHFS’ seven institutions and DHFS’ continuity of operations plan (“COOP plan”). He discussed the challenge of coordinating the planning response efforts of all the levels of government and agencies that need to work together, including working with private sector service providers.

Tom Anderson, Emergency Management Coordinator, DHFS, explained the work of the Division of Public Health, DHFS, and local health departments, tribal health centers, regional consortia, and associated organizations, to complete the Wisconsin Public Health Emergency Plan, whose purpose is to meet local, regional, and state needs in the event of bioterrorism, infectious disease outbreaks, or other public health threats and outbreaks. He noted that DHFS maintains a 24-7 emergency telephone hotline to receive notifications of public health and human service emergencies.

Dennis Tomczyk, Director of Hospital Disaster Preparedness, DHFS, discussed planning and response issues relating to health care facilities, including evacuation of hospitals, nursing homes, and special care facilities. He also discussed the issue of hospital inpatient and outpatient surges during disasters. He cited a number of issues that need attention, including sustainability of preparedness, pandemic flu, interoperable communications, and the needs of special populations.

Oren Hammes, Disaster Mental Health Coordinator, DHFS discussed issues relating to behavioral health and disaster human services planning.

David Duecker, President and Board Chair, Southeast Wisconsin Homeland Security Partnership, described the partnership as a nonprofit corporation established to address homeland security challenges and major disasters. He discussed the objectives of the partnership as well as several major initiatives, including a corporate emergency access system, a crisis resource center, information and intelligence sharing, business mentorship, regional training and exercises, and connecting with other regional networks.

Mike Shoys, Vice President, Wisconsin Manufacturers and Commerce (WMC), and the Wisconsin Council of Safety, cited several examples of private sector assistance during disasters, including use of nongovernmental organizations during the response to Hurricane Katrina and noted that private sector entities are concerned that they could be held liable for damages due to errors or omissions in information communicated. He noted some of the risks associated with pandemics, including human resources issues, personal hygiene issues, minimizing financial loss, keeping customers, and minimizing exposure to lawsuits.

The committee members discussed issues on which they would like further information, including: (1) the availability and transportation of food during a disaster; (2) animal diseases; (3) interoperability of communications technology; (4) evacuation planning, including evacuation of persons with disabilities; (5) employee rights during disasters; (6) coordination of various disaster planning exercises; (7) communication of public announcements during times when regular communication modes are unavailable; and (8) mutual aid.

At the October 11, 2006 meeting, the committee heard testimony from invited speakers and state agency representatives, then held a public hearing. John Rostosky, Director of Preparedness and Response, Midwest Service Area, American Red Cross (ARC), discussed the administrative structure of the ARC and the ongoing need for communication between the ARC and state and local governments to clarify their respective roles in providing disaster relief services. Cullen Peltier, Director, Brown County Emergency Management, discussed the preparation of a variety of local emergency management plans and the four phases of emergency management: preparedness, response, recovery, and mitigation. Edwin Ruckriegel, Fire Marshal and Emergency Planning Coordinator, City of Madison, discussed Madison's emergency operations center and COOP plan, which addresses issues such as line of succession, resources for continued governmental functions, and data and records management during major disasters.

Johnnie Smith, WEM Administrator, and Tom Anderson, Emergency Management Coordinator, DHFS, provided follow-up information to questions raised at the previous committee meeting.

The committee held a public hearing at which three people testified. JoAnn Wipperfurth, Pre-Emergency Planning LLC, Poyette, described her company's work developing emergency preparedness exercises and noted the need for less complicated forms for the reporting of exercises. David Bloom, Wisconsin State Fire Chiefs Association, Madison, described the new state law permitting use of the MABAS for fire response and EMS. Sabrina Fox, Wisconsin Dental Association, Madison, noted that dentists can be a valuable resource during emergencies because they are trained in medical areas such as airway management and are able to administer vaccinations and sedation and apply splints.

At the November 16, 2006 meeting, the committee heard from David Steingraber, the Executive Director of the Office of Justice Assistance (OJA) in the Department of Administration (DOA), as well as Greg Engel, Dave Spenner, and Michael Kunesh, OJA. They discussed federal grant moneys received and disseminated by OJA for homeland security purposes, as well as the issue of interoperability of communications equipment used by disaster relief agencies and organizations.

State Auditor Janice Mueller, Legislative Audit Bureau (LAB), discussed a recently completed emergency management best practices survey entitled *County Emergency Management Activities*.

William Alford, President of the International Lighthouse Group, who also works with the Food Marketing Institute, identified several lessons that should be learned from Hurricane Katrina and urged the state to work with grocers when providing assistance during emergencies. Thomas Thieding, Wisconsin Farm Bureau and chair of the Wisconsin Agro-Security Resource Network (WARN), discussed goals of WARN, which include maintaining consumer confidence in food products during an incident. The committee also heard from several speakers from the Department of Agriculture, Trade, and Consumer Protection (DATCP)--Robin Schmidt, Steve Steinhoff, and Dr. Paul McGraw--who discussed emergency preparedness activities of DATCP, work with private sector organizations, and the establishment of a veterinarian network that can assist during animal health emergencies.

Robert Marchant, Senate Chief Clerk, and Patrick Fuller, Assembly Chief Clerk, discussed ongoing activities relating to legislative COOP planning. Johnnie Smith, WEM Administrator, discussed a recent meeting he attended in Chicago regarding mass evacuation of metropolitan areas. The committee reviewed a memo from Legislative Council staff about statutes that provide liability protection to persons who render assistance during an emergency.

At the December 13, 2006 meeting, the committee heard testimony from a number of invited speakers. Ben Peirce, Central Benefits Manager, Department of Workforce Development (DWD), explained DWD's current efforts to update its COOP plan, including planning for a possible flu pandemic, which would pose difficult issues for the Unemployment Insurance (UI) program. He noted the current consideration being given to work-at-home options in the event of a flu pandemic, but said questions remain about whether to implement that costly option without certainty a pandemic will occur. He summarized the UI Division's five-point plan for pandemic planning.

Doug White, Director, Student Services Prevention and Wellness Team, Department of Public Instruction (DPI), summarized crisis preparedness support provided to schools by DPI, including preparing safety planning and crisis response guidelines, conducting pandemic flu preparedness planning with DHFS, and advising on and promoting OJA-funded school crisis preparedness conferences.

Mary Jean Erschen, Director, Center for School, Youth and Citizen Preparedness, explained the work of her Center, including co-sponsorship of preparedness workshops with OJA as well as summer training for school administrators. She also described the Center's youth initiative, in which students participate in volunteer preparedness activities, serve on school crisis committees, and attend summer camps that provide training on issues from terrorism to bullying.

Michael Steinhauer, Survival Coalition Member and the Steinhauer Group, addressed the need for inclusion of people with disabilities and their advocates at every level of disaster preparedness planning. He explained that the Americans with Disabilities Act requires emergency preparedness and response programs to be accessible to people with disabilities, but that there is no standardized federal preparedness plan for the disabled nor, in many cases, state and local emergency management plans, to account for those with special needs.

Nancy Anderson, Legislative Committee of the Wisconsin Personal Services Association (WPSA), testified on behalf of both the Survival Coalition and the WPSA, which is the largest association in the state representing providers in the personal services care sector. She noted the two groups are educating government planners, health and human service provider organizations, and

people with disabilities about issues surrounding disaster planning and that, while awareness of issues facing people with disabilities has improved, more planning and education is needed. She suggested establishment of a state special populations “czar” to oversee the integrated coordination of disaster planning for special needs populations.

Lori Beierle, Region 5 Hospital Preparedness Coordinator, explained that hospital preparedness takes an all-hazards approach and that the goals of hospital preparedness are to enhance hospital surge capacity, collaborate on and integrate plans with all emergency response partners, and maintain services in a sustained disaster. She described the stockpiling of personal protective equipment for biological events and noted that most hospitals have reached the state goal for airborne infectious isolation capacity. She said that the biggest issue at present is inpatient surge capacity and that an expert panel has developed an inpatient/outpatient surge capacity plan.

Steve Peterson, WEM, gave WEM’s response to the LAB’s best practices review of *County Emergency Management Activities*, dated November 2006, noting that the report is helpful in clarifying the roles of WEM, the Adjutant General, and county level emergency management agencies, distinguishing WEM-funded and OJA-funded activities, and capturing a number of best practices. He also discussed the issue of mass evacuation planning, noting that there was a southeast Wisconsin area exercise in April 2006 which led to completion of an area plan in July 2006. He said that the exercise included identification of 13 special populations, which will be used for planning in other counties.

Patrick O’Connor, WEM, explained that WEM is conducting catastrophic evacuation planning, including a scenario of an evacuation of 200,000 people from Milwaukee and that representatives of special needs populations have been invited to participate.

Committee member Dan Alexander, City of Milwaukee Emergency Government Coordinator, was asked to comment on the City of Milwaukee’s emergency response to the December 6, 2006 explosion at the Falk Corporation. Mr. Alexander described the rapid activation of the City’s Emergency Operations Center (EOC) and, in turn, the county and state EOCs. He noted that the City had exercised a large explosion scenario in March 2006, which made it better prepared to deal with the Falk Corporation explosion.

The committee began its discussion of Memo No. 2, *Potential Recommendations Submitted for the Special Committee’s Consideration*, a compilation of potential recommendations made by committee members and others. The committee asked staff to solicit ideas from state agency staff on certain issues and requested that staff prepare bill drafts on declarations of emergencies by counties and a moratorium on rental evictions during a state of emergency related to public health.

At the January 10, 2007 meeting, the committee reviewed two bill drafts and several agency responses to requests for information. The committee discussed WLC: 0049/1, relating to declarations of emergencies by counties, and unanimously recommended introduction of the bill. [This bill draft became LRB-2214/1.] The Special Committee next discussed WLC: 0050/1, relating to a moratorium on rental evictions during a state of emergency related to public health, and decided to make changes to the draft and seek additional input for the next meeting.

The committee reviewed written responses from DWD, DHFS, DATCP, the Department of Natural Resources (DNR), county emergency management agencies, Wisconsin Vital Records, WEM, the Alliance of Cities, the League of Wisconsin Municipalities, and the Pharmacy Examining Board relating to possible committee recommendations. In addition, the committee received follow-up information from DHFS, DATCP, WEM, and DMA.

The committee continued its discussion of Memo No. 2 and asked staff to prepare bill drafts to: (1) require schools to conduct tornado drills; (2) protect hospitals and other facilities from liability caused by actions of volunteers during an emergency; and (3) provide immunity from liability for qualified food and household products.

The committee also directed staff to send letters to: (1) the Chief Justice of the Wisconsin Supreme Court and DOA regarding policies that would allow parties not to be present at court proceedings or administrative hearings during a disaster; (2) OJA regarding mutual aid and communications interoperability; and (3) DPI regarding tornado drills in schools.

At the February 14, 2007 meeting, the committee reviewed, but took no action on WLC: 0050/2, a bill draft that would have allowed the Governor to establish a moratorium on residential rental evictions during emergencies. The committee reviewed a bill draft, WLC: 0068/1, requiring public and private schools to conduct tornado drills. The committee requested that the bill be redrafted to require tornado or all hazard drills. The committee, by subsequent mail ballot, unanimously recommended introduction of the redraft, WLC: 0068/2. [This draft became LRB-2230/1.] The committee unanimously recommended introduction of WLC: 0073/1, which provides state agency status for health care facilities that use specified types of volunteers during emergencies. [This draft became LRB-2213/1.]

The committee reviewed WLC: 0074/1 and unanimously recommended introduction of an amended version, WLC: 0074/2, which expands the current law providing immunity from liability for donating or selling food to a charitable organization or food distribution service to also include donations or sales to governmental units and to include donations or sales of emergency household products to any of those entities. [This draft became LRB-2215/1.] The committee directed staff to prepare a bill draft to make the current State Interoperability Executive Council, which was created by executive order, a statutory body. That draft, WLC: 0100/1, was unanimously recommended for introduction by mail ballot. [This draft became LRB-2216/1.]

Committee member Pete Eide, Hillview Health Care Center, made a presentation concerning evacuation of long-term care facilities during disasters. The committee reviewed letters it had previously directed to state agencies and responses to those letters and directed that additional letters be sent to the Director of State Courts and DWD.

PART III

RECOMMENDATION INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of, the components of Assembly Bill 321, which is a composite of five bill drafts recommended by the Special Committee on Disaster Preparedness Planning.

State Agent Status for Facility

Background

Under current law, a behavioral health provider, health care provider, pupil services provider, or substance abuse prevention provider who, during a declared emergency, provides behavioral health services, health care services, pupil services, or substance abuse prevention services for which the person has been licensed or certified is, for the provision of those services, a state agent of DHFS for purposes of several specified statutes. The services must have been provided on behalf of a health care facility on a voluntary, unpaid basis, except that the provider may accept reimbursement for travel, lodging, and meals.

For purposes of this statute, the term “health care facility” is defined by reference to another statute that includes various facilities approved or licensed by DHFS, and specifically mentions hospitals, nursing homes, and community-based residential facilities. In addition, the terms “behavioral health provider,” “health care provider,” “pupil services provider,” and “substance abuse prevention provider” are defined as persons who have held specified types of state credentials (e.g., psychologists, physicians, nurses, school counselors, and substance abuse counselors) at any time within 10 years before the emergency is declared. However, this statute does not apply to persons whose credentials have been limited, suspended, revoked, or denied renewal.

Persons who satisfy the above requirements are considered under current law to be state agents of DHFS for the purpose of specified statutes. Those statutes require notice to the Department of Justice (DOJ) within a specified time period in order for a civil action to be brought, allow DOJ to represent the person in civil or administrative actions, limit damages to \$250,000 (with no punitive damages allowed), and require that the damages be paid by the state.

Description

While current law provides state agent status for the individual volunteers, Assembly Bill 321 also designates the health care facilities on whose behalf the services are provided during a declared state of emergency to be state agents of DHFS for purposes of the above statutes.

County-Declared Emergencies

Background

Current law, as described above, provides that a behavioral health provider, health care provider, pupil services provider, or substance abuse prevention provider who, during a declared emergency, provides behavioral health services, health care services, pupil services, or substance abuse prevention services for which the person has been licensed or certified is, for the provision of those services, a state agent of the DHFS for purposes of several specified statutes. The emergency must be declared by the Governor under s. 166.03 (1) (b) 1., Stats., or by a city, village, or town under s. 166.23, Stats.

Description

Assembly Bill 321 expands s. 166.23, Stats., to allow declarations of emergencies by governing bodies of counties. By including counties in that statute, the specified types of volunteer providers at health care facilities will be considered agents of DHFS under the statutes described above during an emergency declared by the governing body of a county.

Donated Food and Products

Background

Under current law, any person engaging in the processing, distribution, or sale of food products, for profit or not-for-profit, who donates or sells, at a price not to exceed overhead and transportation costs, qualified food to a charitable organization or food distribution service is immune from civil liability for death or injury caused by the food. Any charitable organization that distributes qualified food free of charge to any person is immune from civil liability for death or injury caused by the food. These immunity provisions do not apply if the death or injury was caused by willful or wanton acts or omissions.

Description

Assembly Bill 321 extends the current immunity provision to include donating or selling, at a price not to exceed overhead and transportation costs, qualified food to a governmental unit. The bill defines “governmental unit” as the United States; the state; any county, city, village, or town; any political subdivision, department, division, board, or agency of the United States, the state, or any county, city, village, or town; or any federally recognized American Indian tribe or band in this state or an agency of such a tribe or band.

The bill also creates new immunity provisions to cover donating or selling, at a price not to exceed overhead and transportation costs, emergency household products to a charitable organization or governmental unit in response to a declared state of emergency; and to cover charitable organizations that distribute those emergency household products free of charge.

Interoperability Council

Background

The Governor has created a State Interoperability Executive Council by executive order. This bill makes the council a statutory body. It also expands the membership.

Description

Under Assembly Bill 321, the council will be attached to DOA for administrative purposes. It is renamed the Interoperability Council and consists of 15 members including:

1. The executive director of OJA, the Adjutant General, the Secretary of Natural Resources, the Secretary of Transportation, and a representative of DOA with knowledge of information technology, or their designees.
2. Ten members appointed by the Governor for staggered four-year terms, as follows: a police chief, an EMS director, a fire chief, a sheriff, a local government elected official, a local emergency management director, a tribal representative, a hospital representative, a local health department representative, and one other person with relevant experience or expertise in interoperable communications.

The Governor designates the chair and vice chair of the council.

Under the bill, OJA (which is housed in DOA) will provide staff support to the council and oversee the development and operation of a statewide public safety interoperable communication system.

The council serves in an advisory capacity to OJA and is responsible for the following activities relating to a statewide public safety interoperable communication system:

1. Identifying types of agencies and entities to be included in the system, in addition to public safety agencies.
2. Recommending short-term and long-term goals to develop the system and a strategy and timeline for achieving those goals.
3. Assisting OJA in identifying and obtaining funding to implement the system and advising OJA on allocating funds.
4. Making recommendations to OJA on:
 - a. Technical and operational standards, guidelines, and procedures for public safety interoperable communications.
 - b. Minimum standards for the communications systems, facilities, and equipment used by dispatch centers.
 - c. Certification criteria for persons operating dispatch center communications.

School Tornado Drills

Background

Under current law, public and private schools are required to conduct a fire drill once each month but are not required to conduct tornado or other hazard drills. In addition, schools are required to maintain a record of each conducted fire drill for at least seven years.

Description

Assembly Bill 321 requires public and private schools to conduct a tornado or other hazard drill, without previous warning, at least twice annually, and maintain a record of each conducted tornado or other hazard drill for at least seven years.

Appendix 1

Committee and Joint Legislative Council Votes

The following drafts were recommended by the Special Committee on Disaster Preparedness Planning to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature.

Special Committee Votes

The Special Committee voted to recommend LRB-2213/1 to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature. The vote on the draft was as follows:

- LRB-2213/1, relating to designation of state agency status for certain health care facilities that use volunteer providers during a declared state of emergency: Ayes, 14 (Reps. Ballweg, Benedict, Hines, and Kerkman; and Public Members Alexander, Bazan, Bier, Dowling, Eggebrecht, Eide, Haugen, Munsey, Ritger, and Tatili); Noes, 0; and Absent, 2 (Public Members Carlson and Orlando).

The Special Committee voted to recommend LRB-2214/1 to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature. The vote on the draft was as follows:

- LRB-2214/1, relating to declarations of emergencies by counties: Ayes, 12 (Reps. Ballweg, Benedict, Hines, and Kerkman; and Public Members Alexander, Bazan, Bier, Carlson, Eide, Munsey, Orlando, and Tatili); Noes, 0; and Absent, 4 (Public Members Dowling, Eggebrecht, Haugen, and Ritger).

The Special Committee voted to recommend LRB-2215/1 to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature. The vote on the draft was as follows:

- LRB-2215/1, relating to immunity from liability for qualified food and household products: Ayes, 14 (Reps. Ballweg, Benedict, Hines, and Kerkman; and Public Members Alexander, Bazan, Bier, Dowling, Eggebrecht, Eide, Haugen, Munsey, Ritger, and Tatili); Noes, 0; and Absent, 2 (Public Members Carlson and Orlando).

The Special Committee voted to recommend LRB-2216/1 to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature. The vote on the draft was as follows:

- LRB-2216/1, relating to creating an interoperability council: Ayes, 16 (Reps. Ballweg, Benedict, Hines, and Kerkman; and Public Members Alexander, Bazan, Bier, Carlson, Dowling, Eggebrecht, Eide, Haugen, Munsey, Orlando, Ritger, and Tatili); and Noes, 0.

The Special Committee voted to recommend LRB-2230/1 to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature. The vote on the draft was as follows:

- LRB-2230/1, relating to requiring public and private schools to conduct tornado or other hazard drills: Ayes, 16 (Reps. Ballweg, Benedict, Hines, and Kerkman; and Public Members Alexander, Bazan, Bier, Carlson, Dowling, Eggebrecht, Eide, Haugen, Munsey, Orlando, Ritger, and Tatili); and Noes, 0.

Joint Legislative Council Vote

At its May 10, 2007 meeting, the Joint Legislative Council voted to introduce Assembly Bill 321, which is a composite of the five drafts recommended by the Special Committee. The vote by the Joint Legislative Council was as follows:

- Ayes, 21 (Sens. Risser, Breske, Carpenter, Coggs, Darling, Decker, Fitzgerald, Harsdorf, Miller, and Robson; and Reps. Wieckert, Ballweg, Berceau, Fitzgerald, Gottlieb, Huebsch, Kaufert, Kreuser, Pohan, Rhoades, and Schneider); Noes, 0; and Absent, 1 (Sen. Lasee).

Appendix 2

Joint Legislative Council

[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]

Co-Chair

ALAN LASEE
Senate President
2259 Lasee Road
De Pere, WI 54115

Co-Chair

STEVE WIECKERT
Representative
1 Weatherstone Drive
Appleton, WI 54914

SENATORS

RONALD W. BROWN
1112 Violet Avenue
Eau Claire, WI 54701

DAN KAPANKE
1610 Lakeshore Drive
La Crosse, WI 54603

DALE SCHULTZ
Majority Leader
515 N. Central Avenue
Richland Center, WI 53581

RUSSELL DECKER
6803 Lora Lee Lane
Schofield, WI 54476

MARK MILLER
4903 Roigan Terrace
Monona, WI 53716

DAVID ZIEN
President Pro Tempore
1716 63rd Street
Eau Claire, WI 54703

SCOTT FITZGERALD
N4692 Maple Road
Juneau, WI 53039

FRED A. RISSER
5008 Risser Road
Madison, WI 53705

GLENN GROTHMAN
111 South 6th Avenue
West Bend, WI 53095

JUDY ROBSON
Minority Leader
2411 E. Ridge Road
Beloit, WI 53511

REPRESENTATIVES

JOHN AINSWORTH
W6382 Waukechon Road
Shawano, WI 54166

MICHAEL HUEBSCH
Majority Leader
419 West Franklin
West Salem, WI 54669

MARLIN D. SCHNEIDER
3820 Southbrook Lane
Wisconsin Rapids, WI 54494

PEDRO COLON
338 West Walker Street
Milwaukee, WI 53204

DEAN KAUFERT
1360 Alpine Lane
Neenah, WI 54956

DAVID TRAVIS
5440 Willow Road
Waunakee, WI 53597

STEPHEN J. FREESE
Speaker Pro Tempore
310 East North Street
Dodgeville, WI 53533

JIM KREUSER
Minority Leader
3505 14th Place
Kenosha, WI 53144

JOHN GARD
Speaker
481 Aubin Street, P.O. Box 119
Peshtigo, WI 54157

ANN NISCHKE
202 W. College Avenue
Waukesha, WI 53186

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Joint Legislative Council

[Current Joint Legislative Council Members Who Received Committee Report]

Co-Chair

FRED RISSER
Senate President
5008 Risser Road
Madison, WI 53705

Co-Chair

STEVE WIECKERT
Representative
1 Weatherstone Drive
Appleton, WI 54914

SENATORS

ROGER BRESKE
8800 Hwy. 29
Eland, WI 54427

RUSSELL DECKER
6803 Lora Lee Lane
Weston, WI 54476

ALAN LASEE
2259 Lasee Road
De Pere, WI 54115

TIM CARPENTER
President Pro Tempore
2957 South 38th Street
Milwaukee, WI 53215

SCOTT FITZGERALD
Minority Leader
N4692 Maple Road
Juneau, WI 53039

MARK MILLER
4903 Roigan Terrace
Monona, WI 53716

G. SPENCER COGGS
3732 North 40th Street
Milwaukee, WI 53216

SHEILA HARSDORF
N6627 County Road E
River Falls, WI 54022

JUDY ROBSON
Majority Leader
2411 E. Ridge Road
Beloit, WI 53511

ALBERTA DARLING
1325 West Dean Road
River Hills, WI 53217

REPRESENTATIVES

JOAN BALLWEG
170 W. Summit Street
Markesan, WI 53946

MICHAEL HUEBSCH
Speaker
419 West Franklin
West Salem, WI 54669

MARK POCAN
309 N. Baldwin Street
Madison, WI 53703

TERESE BERCEAU
4326 Somerset Lane
Madison, WI 53711

DEAN KAUFERT
1360 Alpine Lane
Neenah, WI 54956

KITTY RHOADES
708 4th Street
Hudson, WI 54016

JEFF FITZGERALD
Majority Leader
910 Sunset
Horicon, WI 53032

JIM KREUSER
Minority Leader
3505 14th Place
Kenosha, WI 53144

MARLIN SCHNEIDER
3820 Southbrook Lane
Wisconsin Rapids, WI 54494

MARK GOTTLIEB
Speaker Pro Tempore
1205 Noridge Trail
Port Washington, WI 53074

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Disaster Preparedness Planning

Representative Joan A. Ballweg, Chair
170 W. Summit Street
Markesan, WI 53946

Representative J.A. Hines
W8632 County Road I
Oxford, WI 53952

Dan Alexander
200 East Wells Street, Room 606, City Hall
Milwaukee, WI 53202

Vicki Bier
UW-Madison
1550 Engineering Drive, Room 3158
Madison, WI 53706

William Dowling
Wisconsin Grocers Association, Inc.
One South Pinckney Suite 504
Madison, WI 53703

Pete Eide
Hillview Health Care Center
3501 Park Lane Drive
La Crosse, WI 54601-7700

Kathy Munsey
Department of Health and Human Services
P.O. Box 588
Green Lake, WI 54941

Robert Ritger
306 9th Avenue South
Onalaska, WI 54650

Representative Chuck Benedict
3639 Bee Lane
Beloit, WI 53511

Representative Samantha Kerkman
40255 105th Street
Genoa City, WI 53128

Bill Bazan
Metro Milwaukee
3200 West Highland Boulevard
Milwaukee, WI 53208

Dr. Robert A. Carlson
Marshfield Clinic
1000 North Oak Avenue
Marshfield, WI 54449

Kurt Eggebrecht
Appleton City Health Department
100 North Appleton Avenue
Appleton, WI 54911-4799

Curtis Haugen
S'curo Group LLC
1106 Boundary Road
Middleton, WI 53562

Leonard Orlando
Professional Fire Fighters of WI
614 Edgewood Drive
Green Bay, WI 54302-8153

Diana Tatili
American Red Cross, Badger Chapter
4860 Sheboygan Avenue
P.O. Box 0905
Madison, WI 53705-0905

STUDY ASSIGNMENT: The committee is directed to study and make recommendations in the area of public and private cooperation in preparedness planning for emergency responses to natural and man-made disasters, including pandemics. Issues to be examined include: (1) private sector assistance to governmental entities responding to disasters; (2) plans for state and local legislative bodies to continue to function during disasters, including lines of succession; (3) responsibility for evacuating hospitals and long-term care facilities; (4) the ability for products such as food and first aid supplies to reach markets during disasters; (5) alternative transportation plans for supplies; (6) responsibility for keeping civil order during disasters; (7) responsibility for caring for medically needy persons during disasters; (8) dissemination of information to the public during disasters if regular modes of communication are unavailable; (9) coordination of resources in rural areas through regional plans; and (10) effectiveness of mutual aid agreements, with an emphasis on interstate mutual aid agreements, and liability issues under these agreements.

10 MEMBERS: 4 Representatives and 12 Public Members.

LEGISLATIVE COUNCIL STAFF: Richard Sweet and Pam Shannon, Senior Staff Attorneys; Jessica Karls, Staff Attorney; and Wendy Ulrich, Support Staff.

Appendix 4

Committee Materials List (Copies of documents are available at www.legis.state.wi.us/lc)

Recommendations to the Joint Legislative Council (May 10, 2007)				
<ul style="list-style-type: none"> • Proposed Report to the Legislature, PRL 2007-11, dated April 30, 2007 • LRB-2213/1, relating to designation of state agency status for certain health care facilities that use volunteer providers during a declared state of emergency • LRB-2214/1, relating to declarations of emergencies by counties • LRB-2215/1, relating to immunity from liability for qualified food and emergency household products • LRB-2216/1, relating to creating an interoperability council • LRB-2230/1, relating to requiring public and private schools to conduct tornado or other hazard drills 				
Additional Materials				
<ul style="list-style-type: none"> • Letter to Hal Bergan, Division Administrator, Department of Workforce Development (March 2, 2007) • Letter to A. John Voelker, Director of State Courts (March 2, 2007) 				
March 12, 2007 Mail Ballot				
<ul style="list-style-type: none"> • WLC: 0068/2, relating to requiring public and private schools to conduct tornado or other hazard drills • WLC: 0100/1, relating to creating an interoperability council 				
February 14, 2007 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • WLC: 0050/2, relating to a moratorium on rental evictions during a state of emergency [related to public health] • WLC: 0068/1, relating to requiring public and private schools to conduct tornado drills • WLC: 0073/1, relating to designation of state agency status for certain health care facilities that use volunteer providers during a declared state of emergency • WLC: 0074/1, relating to immunity from liability for qualified food and household products • Letter to Shirley Abrahamson, Chief Justice, Wisconsin Supreme Court (January 23, 2007) • Letter to David Steingraber, Executive Director, Office of Justice Assistance (January 24, 2007) • Letter to Senator Fred Risser and Speaker Michael Huebsch, Co-Chairs, Joint Committee on Legislative Organization (January 24, 2007) • Letter to State Superintendent Elizabeth Burmaster, Department of Public Instruction (January 30, 2007) • Letter from Edward Huck, Executive Director, Wisconsin Alliance of Cities (February 2, 2007) • Letter from Attorney Heiner Giese, Apartment Association of Southeastern Wisconsin, Inc. (February 7, 2007) • Letter from William Malkasian, President, Wisconsin Realtors Association (February 7, 2007) • Letter from Hal Bergan, Division Administrator, Department of Workforce Development (February 7, 2007) • Letter from Michael Oakleaf, Division of Research and Policy, Department of Revenue (February 8, 2007) • Letter from A. John Voelker, Director of State Courts (February 6, 2007) 				
January 10, 2007 Meeting	Notice	Agenda	Audio Audio PM	AM Minutes
<ul style="list-style-type: none"> • WLC: 0049/1, relating to declarations of emergencies by counties • WLC: 0050/1, relating to a moratorium on rental evictions during a state of emergency related to public health • Letter, to David Steingraber, Executive Director, Office of Justice Assistance (December 21, 2006) • Memo, <i>Participation by Private Sector Organizations and Businesses</i>, to the Directors, County and Regional Emergency Management Agencies, (December 22, 2006) • Letter, to Johnnie Smith, Administrator, Wisconsin Emergency Management (December 26, 2006) 				

- [Letter](#), to Patrick Cooper, Acting Administrator, Division of Management and Technology, Department of Health and Family Services (December 26, 2006)
- [Responses to Requests for Information](#) (January 9; revised January 10, 2007), includes:
 - E-mail from the Department of Workforce Development (DWD) on the issues of: (a) required use of vacation leave for quarantined employees; (b) guaranteeing job security for those quarantined and unable to work; and (c) tax incentives for employers who continue to pay wages to quarantined employees.
 - E-mail from DWD on income continuation during widespread emergencies.
 - A letter with several attachments from the Department of Health and Family Services.
 - E-mail from the Department of Natural Resources regarding whether environmental impact statement (EIS) requirements may be waived during public health emergencies.
 - E-mail from the Department of Agriculture, Trade and Consumer Protection with draft language on carcass disposal and response to questions regarding waiver of EIS requirements.
 - E-mail from four county emergency management agencies in response to December 22, 2006 letter from committee recommending emergency planning and coordination with private sector agencies.
 - Staff information from Wisconsin Vital Records about signing death certificates during emergencies.
 - E-mail from Legislative Council staff about holding certain proceedings during emergencies without all parties being present.
 - Letter from Wisconsin Emergency Management (WEM) regarding: (a) WEM regional office support; (b) uniformity of regions; (c) mass evacuation planning issues; and (d) additional possible legislative initiatives.
 - Information from local government associations about Open Meeting Laws during emergencies.
 - E-mail from William Black, Department of Regulation and Licensing, regarding variances to Pharmacy Examining Board statutes and rules during emergencies.
 - Letter from the Office of Justice Assistance regarding mutual aid agreements.

December 13, 2006 Meeting	Notice	Agenda	Audio	Minutes
---------------------------	------------------------	------------------------	-----------------------	-------------------------

- [Memo No. 2](#), *Potential Recommendations Submitted for the Special Committee's Consideration* (December 6, 2006)
- [Testimony](#), of Ben Peirce, Central Benefits Manager, Department of Workforce Development
- [Testimony](#), of Lori Beierle, Region 5 Hospital Preparedness Coordinator
- Testimony of Doug White, Director, Student Services Prevention and Wellness Team, Department of Public Instruction, and Mary Jean Erschen, Director, Center for Emergency Health and Safety in Schools, Wisconsin Technical College System Foundation
 - [Summary of Crisis Preparedness Support for Schools](#), from the Wisconsin DPI
 - [Pandemic Flu Activities 2006-07](#)
- [Testimony](#), of Michael Steinhauer, Survival Coalition Member and the Steinhauer Group; and Nancy Anderson, Legislative Committee of the Wisconsin Personal Services Association and Government Relations Specialist for the Community Living Alliance
 - [Letter](#), to Representative Joan Ballweg, Chair (November 22, 2006)

November 16, 2006 Meeting	Notice	Agenda	Audio Audio PM	Minutes
---------------------------	------------------------	------------------------	---	-------------------------

- [Memo No. 1](#), *State Statutes Providing Liability Protection During Emergencies* (November 6, 2006)
- Testimony of Jan Mueller, State Auditor, Legislative Audit Bureau
 - [Best Practices Review](#), County Emergency Management Activities
 - [County Emergency Management Activities](#)
- [Testimony](#), of Tom Thieding, Executive Director, Public Relations, Wisconsin Farm Bureau Federation
- [Testimony](#), of David Steingraber, Executive Director, Wisconsin Office of Justice Assistance
- [Testimony](#), of Robin Schmidt, Agency Liaison for Food and Agriculture Security, Department of Agriculture, Trade and Consumer Protection
- [Testimony](#), of William A. Alford, CFE, International Lighthouse Group, Wisconsin Grocers Association

October 11, 2006 Meeting	Notice	Agenda	Audio	Minutes
--------------------------	------------------------	------------------------	-----------------------	-------------------------

- [Responses](#), from the Department of Health and Family Services and Wisconsin Emergency Management to information requests from the special committee (October 5, 2006)

- [Description of 2-1-1 Wisconsin](#)
- [Testimony](#), of John Rostosky, Director of Preparedness and Response, Midwest Service Area, American Red Cross
- [Testimony](#), of Cullen Peltier, Director, Brown County Emergency Management
 - [PowerPoint presentation](#)

September 13, 2006 Meeting	Notice	Agenda	Audio AM Audio PM	Minutes
----------------------------	------------------------	------------------------	---	-------------------------

- [Testimony](#), of Johnnie Smith, Administrator, Wisconsin Emergency Management
- [Testimony](#), of Patrick Cooper, Oren Hammes, Tom Anderson, and Dennis Tomczyk, Department of Health and Family Services
- [Testimony](#), of David J. Duecker, President, Southeast Wisconsin Homeland Security Partnership, Inc.
- [Testimony](#), of Michael Shoys, Vice President, Wisconsin Manufacturers & Commerce, Wisconsin County of Safety