



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 2

TO: MEMBERS OF THE SPECIAL COMMITTEE ON DISASTER PREPAREDNESS
PLANNING

FROM: Richard Sweet and Pam Shannon, Senior Staff Attorneys, and Jessica Karls, Staff Attorney

RE: Potential Recommendations Submitted for the Special Committee's Consideration

DATE: December 6, 2006

This memo is a compilation of potential recommendations submitted for the committee's consideration by members of the Special Committee on Disaster Preparedness Planning and state agencies that have testified before the committee. This memo categorizes those potential recommendations into eight areas. Since some of the potential recommendations fit in more than one area, an attempt was made to place each potential recommendation in the most appropriate category.

Some of the potential recommendations involve drafting legislation, while others may involve less formal actions such as a letter directed to an agency. Following each potential recommendation is a notation of the person or agency submitting it.

A. EMPLOYMENT

1. Give employers the right to require employees to use their vacation time during a prolonged emergency (for example, where a business closure or reduction in needed workforce might last longer than a week). [Bier]
2. Guarantee job security for people who are unable to be at work because they are quarantined or isolated by a public health agency. [Bier]
3. Provide tax breaks for employers (especially small-sized to medium-sized employers) that continue to pay workers during a pandemic if temporary business closures are recommended or ordered by a public health agency. [Bier]

4. Provide employees with some sort of income continuation during a widespread emergency when they would be unavailable for work for reasons beyond their control. [Haugen]

B. WAIVING LEGAL REQUIREMENTS

1. Allow various types of civil or administrative proceedings to be held without all the parties being present, if a declared emergency makes it impossible for them to be present and if the proceedings can be conducted by audio-conference or video-conference. [Bier]
2. Allow the Governor to waive requirements for environmental impact statements for projects that are needed because of declared public health emergencies. [Bier]
3. Allow the Governor to give local health directors the authority to set a moratorium on rental evictions during a pandemic or other declared public health emergency. [Bier]

C. HEALTH/PUBLIC ASSISTANCE

1. Allow nurses to issue death certificates, on the order of the local health officer, if physicians are too busy dealing with a declared emergency. [Bier]
2. Allow persons to obtain emergency drugs and supplies for their family members from mass clinic pharmacies during declared emergencies. [Bier]
3. Provide tax incentives for businesses to buy certain types of pandemic supplies (e.g., gloves, masks), either before or during an emergency. [Bier]
4. Allow public health agencies to provide food for persons who are quarantined or isolated. [Bier]
5. Provide assistance to help pay utility bills for low-income families who lose income during an emergency. [Bier]
6. Clarify who is responsible for the costs incurred for isolation and quarantine orders issued by a local health officer during an outbreak of a communicable disease. [Eggebrecht; Munsey]
7. Require Wisconsin Emergency Management (WEM) regional directors to be members of and regularly attend Hospital and Public Health Consortium monthly meetings. [Ballweg]
8. Ask Department of Health and Family Services (DHFS) to review the Uniform Emergency Volunteer Health Care Practitioners Act developed by the National Conference of Commissioners on Uniform State Laws. [Ballweg]

D. MUTUAL AID/EMERGENCY MANAGEMENT

1. Extend the mutual aid box alarm system (MABAS) law to include law enforcement agencies. [Alexander]
2. Expand MABAS to other parts of the state by an educational process throughout the state that shows other entities the advantages of using MABAS. [Orlando]

3. Assess how the state reviews and reimburses communities that contract with larger communities or with border communities for emergency management services including HAZMAT services. [Benedict]
4. Allow the state to license or otherwise approve out-of-state private emergency services companies (including for HAZMAT services) to allow border communities greater flexibility in serving their constituents. The state would reimburse communities for those services. [Benedict]
5. Provide for regional emergency planning committees, with leaders of those committees elected by committee members. [Ritger]
6. Ask WEM to witness functional exercises of each county emergency operation center. [Ritger]
7. Ask the Office of Justice Assistance (OJA) to restrict grant funds only to agencies that have regional mutual aid agreements and not to agencies that will stay only within their jurisdictions. [Ritger]
8. Provide funds for hospitals, public health agencies, and emergency medical services for personnel costs when they participate in WEM-sponsored exercises. [Ritger]
9. Discuss evacuation issues regarding hospitals and other health care facilities. [Ritger]
10. Allow counties to declare emergencies. [Ritger; Ballweg]
11. Provide for scenario planning in small communities regarding evacuation from larger communities. [Carlson]
12. Include local private industry in all disaster preparedness planning. [Carlson]
13. Encourage participation by private organizations (e.g., Red Cross, Salvation Army, labor unions) during and after a disaster. [Orlando]

E. LIABILITY

1. Protect hospitals and other facilities from liability when activating health care workers who are acting as agents of the state. [Ritger]
2. Determine a method of declaring when different (lower) standards of care will be used in providing health care for liability purposes during declared emergencies. [Ritger]
3. Amend the statute [s. 895.51, Stats.] that provides immunity from civil liability to persons engaged in processing, distributing, or selling food products who donate food or sell it at cost to a charitable organization or food distribution service. The statute would be amended to include providing food to governmental bodies and to include providing the food, not just donating it or selling it at cost. [Dowling]

4. Amend s. 895.51, Stats. (described in the previous item) to include immunity from civil liability to all types of retailers who provide food or other products from their stores (e.g., flashlights, generators, blankets, personal care products) directly to consumers during a disaster. [Dowling]

F. COMMUNICATION

1. Ask OJA to restrict funding of communications projects that do not help interoperability. [Ritger]
2. Request that OJA develop interoperability standards and provide funding to local agencies that meet those standards. [Kerkman]
3. Provide statewide communication standards to help address disjointed, sporadic, and uncoordinated local emergency planning. [Carlson]
4. Encourage the use of interoperable communications systems. [Orlando]
5. Include members representing hospitals and local health agencies on the State Interoperability Executive Committee. [Ritger]
6. Examine more closely the use of communication systems to notify the public of a disaster. [Orlando]

G. GOVERNMENTAL BODIES

1. Place a high priority on legislative continuity planning and implementation of any necessary legislation. [Ballweg]
2. Review the Open Meetings laws regarding waiver of notice and locations of meetings of local government bodies during declared emergencies. [Ballweg]
3. Examine more closely the continuity of government issues, especially the economic functions of government. [Orlando]

H. OTHER

1. Consider formation or continuation of an oversight committee such as the Special Committee to meet on a less frequent basis, but to keep meeting to maintain oversight on disaster preparedness issues. [Ritger]
2. Provide for an indicator on drivers licenses that the license holder is a first responder, an emergency medical technician, or another person who is authorized to be at the site of an emergency. [Ballweg]