



WISCONSIN LEGISLATIVE COUNCIL

DISASTER PREPAREDNESS PLANNING

Legislative Council Conference Room
Madison, Wisconsin

February 14, 2007
9:00 a.m. – 12:00 p.m.

[The following is a summary of the February 14, 2007 meeting of the Special Committee on Disaster Preparedness Planning. 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 Ballweg called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Joan Ballweg, Chair; Reps. Chuck Benedict, Doc Hines, and Samantha Kerkman; and Public Members Dan Alexander, Bill Bazan, Vicki Bier, William Dowling, Kurt Eggebrecht, Pete Eide, Curtis Haugen, Kathy Munsey, Robert Ritger, and Diana Tatili.

COMMITTEE MEMBERS EXCUSED: Public Members Robert Carlson and Leonard Orlando.

COUNCIL STAFF PRESENT: Richard Sweet and Pam Shannon, Senior Staff Attorneys; and Jessica Karls, Staff Attorney.

Approval of the Minutes of the January 10, 2007 Meeting

Mr. Bazan moved, seconded by Rep. Kerkman, to approve the January 10, 2007 minutes. The minutes were approved by voice vote.

Discussion of Draft Legislation

- ***WLC: 0050/2, relating to a moratorium on rental evictions during a state of emergency [related to public health].***
- ***A letter from Attorney Heiner Giese, Apartment Association of Southeastern Wisconsin, Inc. (February 7, 2007).***
- ***A letter from William Malkasian, President, Wisconsin Realtors Association (February 7, 2007).***

Ms. Karls described WLC: 0050/2, which would allow the Governor to declare a moratorium on rental evictions for residential property during a state of emergency, or during a state of emergency related to public health. She mentioned that the committee had received letters on this issue from the Wisconsin Realtors Association and the Apartment Association of Southeastern Wisconsin, both expressing concerns about the bill draft.

Representative Kerkman noted that there are over 700,000 rental units in the state and landlords would be hesitant to evict tenants who have been there for some time. She also noted that the eviction process takes a long time. Professor Bier added that the federal government has already taken similar action with respect to mortgage foreclosures.

Chair Ballweg stated that this is a difficult, complicated issue. She added that the committee could vote on the draft today or recommend that a standing committee review this issue further.

It was moved by Mr. Bazan, seconded by Ms. Munsey, that the committee not take action on this draft, but rather allow a standing committee to examine the issue. The motion was approved by a voice vote.

- ***WLC: 0068/1, relating to requiring public and private schools to conduct tornado drills.***

Ms. Karls described WLC: 0068/1, which would require public or private schools to drill pupils in the proper method of evacuation to a safe place as if in case of a tornado, similar to the requirement that schools currently have for conducting fire drills. Representative Hines expressed a concern about unfunded mandates for schools. Representative Kerkman suggested that the draft cover all-hazards drills, such as drills that prepare the school for lock-downs.

Following discussion that included requiring these drills twice annually, Chair Ballweg suggested that the committee needed more information on current law. She suggested deferring action on a revised draft which would take into account some of the committee's concerns, and that action on the revised draft could be taken through a mail ballot.

- ***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.***

Mr. Sweet described WLC: 0073/1, which relates to designating as agents of the state certain health care facilities that use volunteer providers during a declared emergency. He noted that current

law provides state agent status for the volunteers themselves if certain requirements are met, but that the draft would also include as agents of the state the health care facilities that use those volunteers.

It was moved by Mr. Bazan, seconded by Mr. Ritger, to recommend the bill for introduction. The motion was approved by a vote of 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).

- ***WLC: 0074/1, relating to immunity from liability for qualified food and household products.***

Mr. Sweet described WLC: 0074/1, which would provide immunity from liability for qualified food and household products. Under the draft, the current law that provides for this type of immunity for qualified food donated or sold at a price not to exceed overhead and transportation to a charitable organization or food distribution service would be expanded to also include donation or sales to a governmental unit. In addition, the draft provides similar immunity from liability for donations or sales at a price not to exceed overhead and transportation costs of household products to a charitable or governmental unit in response to a declared emergency. Under the draft, the term “household products” would be defined to include flashlights, generators, blankets, and personal care products.

Professor Bier suggested that the term used in the draft should be “emergency household products” rather than “household products.” Chair Ballweg suggested that the list of products also include household cleaning products and emergency supplies. There was a consensus on making these changes in the draft.

It was moved by Rep. Kerkman, seconded by Rep. Hines, to recommend the bill for introduction, as amended. The motion was approved by a vote of 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).

Ms. Shannon described the process for introduction and passage of a Joint Legislative Council bill that comes out of a study committee. After approval by a study committee, the next stage in the process is for the Joint Legislative Council to vote on introduction of the bill. Legislative Council staff prepares a report describing the bill and the study committee activities. Once Joint Legislative Council bills are introduced, they are referred to a standing committee and are treated like other bills in going through the regular public hearing and passage process. She added that since the chair of this committee is a member of the Assembly, the bills would typically be introduced as Assembly bills.

In response to a question from Chair Ballweg as to whether all of the bill drafts recommended by the committee should be introduced individually or packaged as one bill, Representative Hines stated that he would prefer individual bills, since they may then be referred to different committees. Mr. Bazan agreed with the preference of keeping the bills separate.

Mr. Alexander stated that there is one issue he would still like the committee to address through legislation. He noted that the State Interoperability Executive Committee (SIEC) was created by Executive Order and that there is no statutory authorization of the committee. Chair Ballweg noted that she had had discussions with the Office of Justice Assistance (OJA). Mike Kunesh of OJA stated that OJA had forwarded language regarding SIEC to the Department of Administration (DOA) as part of its budget request.

Chair Ballweg suggested that staff prepare a draft and forward it to the committee by mail ballot. She noted that the committee had previously recommended that the SIEC include representatives of hospitals and local health agencies and stated that the draft should include representatives of those entities also. There was a consensus on this issue.

Presentation by Committee Member Pete Eide, Hillview Health Care Center

Mr. Eide noted that he had served on an expert panel dealing with evacuation of long-term care facilities during disasters. The expert panel had put together a template on evacuation of facilities and evacuation-in-place. This template is available on the DHFS Web site. [http://www.dhfs.wisconsin.gov/rl_DSL/Providers/EvacSheltTemplate.pdf]. He added that facilities and organizations are being educated about the template and evacuation policy. He said that the vast majority of long-term care facilities are not prepared.

In response to a question from Chair Ballweg as to whether adoption of a plan is a condition of licensure, Mr. Eide stated that they are using an educational approach and hope to achieve at least 80% compliance. He hopes that this will be done on a local level, since persons at that level know their transportation and shelter needs. Mr. Bazan added support for a voluntary approach. He added that Wisconsin is far ahead of most other states in preparing for evacuation of long-term care facilities.

Ms. Munsey stated that counties have the responsibility for persons with special needs and that when a county contracts with long-term care facilities, it requires that they have a disaster plan. She noted that a lot has been done in the past year. Mr. Eggebrecht added that a lot of people with special needs do not have connections with the county social service system.

Discussion of Other Distributed Items

- *A letter to Shirley Abrahamson, Chief Justice, Wisconsin Supreme Court (January 23, 2007).*
- *A letter from A. John Voelker, Director of State Courts (February 6, 2007).*
- *A letter to Secretary Michael Morgan, Department of Administration (January 23, 2007).*

Mr. Sweet noted that the committee had sent letters to the court system and to DOA regarding policies that would allow parties not to be present at court proceedings or administrative hearings during times of a disaster. He added that the committee had received a response from the Director of State Courts stating that they currently have a committee that is in the process of forming legislative

recommendations that will clarify the legal authority for the use of video conferencing in court proceedings.

Chair Ballweg asked that staff draft a follow-up letter to the Director of State Courts stating that she would like the Assembly Committee on Homeland Security and State Preparedness to be kept up to date regarding the activities of the court system's committee.

- ***A letter to David Steingraber, Executive Director, OJA (January 24, 2007).***

Mr. Sweet described a letter that the committee sent to OJA regarding mutual assistance and interoperability. Mr. Kunesch stated that OJA is working on a mutual aid template and added that the federal government has such a template. He also mentioned that the Governor has the authority to order that equipment purchased with federal dollars passing through the state be moved to other locations.

- ***A letter to Senator Fred Risser and Speaker Michael Huebsch, Co-Chairs, Joint Committee on Legislative Organization (JCLO) (January 24, 2007).***

Mr. Sweet described the letter that was sent to the Co-Chairs of JCLO. That letter related to planning for legislative continuity during times of disaster.

Chair Ballweg stated that the Assembly Chief Clerk had told her that his office is working on this issue. She added that she has spoken with the Speaker of the Assembly regarding this issue.

- ***A letter to State Superintendent Elizabeth Burmaster, Department of Public Instruction (DPI) (January 30, 2007).***

Ms. Shannon described the letter that the committee sent to the State Superintendent of Public Instruction regarding the importance of conducting tornado drills in schools and distributing information to families of children about the dangers posed by tornadoes. That letter urged that DPI cooperate with Wisconsin Emergency Management (WEM) regarding tornado drills.

- ***A letter from Edward Huck, Executive Director, Wisconsin Alliance of Cities (February 2, 2007).***

Ms. Karls described the letter that was received from the Wisconsin Alliance of Cities regarding applicability of the Open Meetings Law to local units of government during times of disaster.

The committee also discussed bulk distribution of drugs during a disaster. Mr. Ritger noted that the Pharmacy Examining Board can waive requirements during an emergency. Mr. Eide and Professor Bier both noted the need for more flexibility in allowing people to fill prescriptions during emergencies.

- ***A letter from Hal Bergan, Division Administrator, Department of Workforce Development (February 7, 2007).***

Ms. Karls described a letter from the Department of Workforce Development, Unemployment Insurance Division, which stated that there have been no federal proposals to expand the Disaster Unemployment Assistance (DUA) program since September 11, 2001. Chair Ballweg asked that staff prepare a letter from the committee asking Al Bergan, Division Administrator, to continue discussions with the Assembly Committee on Homeland Security and State Preparedness regarding DUA.

- *A letter from Michael Oakleaf, Division of Research and Policy, Department of Revenue (DOR) (February 8, 2007).*

Ms. Karls described a letter from DOR regarding tax issues surrounding the possibility of a business continuing to pay its workers during a pandemic. In the letter, DOR outlined some options for the committee's consideration.

Chair Ballweg noted that many businesses have continuation insurance to cover disasters, but questioned whether that insurance would cover a public health emergency.

Other Business

At the request of Chair Ballweg, Mr. Sweet described the recommendations that had been made to date by the committee, both through legislation and through correspondence, and to break them down by the 10 categories enumerated in the committee's study assignment. As part of the discussion of these recommendations, committee members indicated that they would like the Assembly Committee on Homeland Security and State Preparedness to follow-up on issues such as memoranda of understanding (MOUs) between health care facilities such as hospitals and nursing homes and trucking companies that would allow these facilities to obtain supplies during emergencies. The committee also suggested that the Assembly committee look at the 2-1-1 system.

In closing, Chair Ballweg stated that she will be in touch with members of this committee in order to use their expertise in assisting the Assembly Committee on Homeland Security and State Preparedness.

Adjournment

The meeting was adjourned at 12:00 p.m.

RNS:wu:jb