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## WISCONSIN LEGISLATIVE COUNCIL

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### DISASTER PREPAREDNESS PLANNING

Legislative Council Conference Room  
Madison, Wisconsin

November 16, 2006

10:00 a.m. - 3:45 p.m.

[The following is a summary of the November 16, 2006 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>.]

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#### 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. Chair Ballweg noted that Senator Robson had resigned from the committee due to her increased workload as Senate Majority Leader.

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

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

APPEARANCES: David Steingraber, Executive Director, Greg Engel, Dave Spenner, and Michael Kunesh, Wisconsin Office of Justice Assistance; Janice Mueller, State Auditor, Legislative Audit Bureau; William Alford, President, International Lighthouse Group, Inc.; Thomas Thieding, Executive Director of Public Relations, Wisconsin Farm Bureau; Robin Schmidt, Agency Liaison for Food and Agriculture Security, Steve Steinhoff, Administrator, Division of Food Safety, and Dr. Paul McGraw, Assistant State Veterinarian, Department of Agriculture, Trade and Consumer Protection; Robert Marchant, Senate Chief Clerk; Patrick Fuller, Assembly Chief Clerk; and Johnnie Smith, Administrator, Wisconsin Emergency Management, Department of

Military Affairs.

**Approval of the Minutes of the October 11, 2006 Meeting**

*It was moved by Representative Kerkman, seconded by Ms. Munsey, that the minutes be approved. Mr. Haugen noted that his middle initial was incorrect. The minutes, as corrected, were approved by voice vote.*

**Invited Speakers**

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

- ***David Steingraber, Executive Director, Greg Engel, Dave Spenner, and Michael Kunesh, Wisconsin Office of Justice Assistance***

Mr. Steingraber began by reviewing the grants that had been received by the Office of Justice Assistance (OJA) in federal fiscal year 2006. He noted that federal grant funding had peaked in the year 2004 and had decreased since then. It was expected to decrease from \$24 million in 2006 to \$23 million in 2007. He noted that Wisconsin does not rank high for homeland security risk factors. Greg Engel of OJA noted that of the 11 projects that OJA was undertaking in this area, the biggest share of the funding is for interoperability.

Dave Spenner of OJA discussed the interoperability issue. He described some of the reasons why emergency response agencies are not able to communicate with each other: (1) incompatible and aging communications equipment; (2) limited and fragmented budget cycles and funding; (3) limited and fragmented planning and coordination; (4) limited and fragmented radio spectrum; and (5) limited equipment standards. He noted that the State Interoperability Executive Committee, of which Mr. Steingraber is chair, is looking at these issues. He added that 62% of emergency response agency radios in Wisconsin have been upgraded to mutual aid-ready.

Mr. Steingraber added that in order for a local agency to receive funding for new communications equipment, there is a 25% local match requirement, and this may be a deterrent for small fire departments.

Chair Ballweg encouraged Mr. Steingraber to share with the committee any legislative ideas that OJA might have in this area.

- ***Janice Mueller, State Auditor, Legislative Audit Bureau***

Ms. Mueller shared with the committee a recently completed best practices review entitled *County Emergency Management Activities*. The Legislative Audit Bureau (LAB) had surveyed the 72 counties' emergency management directors and had received responses from 40 of them. She stated that the biggest unmet need is personnel, rather than equipment. She added that weather-related events were the most common type of emergencies.

Ms. Mueller stated that the LAB identified the following eight best practices for county governments: (1) provide sufficient detail in their emergency management plans; (2) contact all municipalities in the county at least annually to discuss responsibilities and resources; (3) conduct a formal assessment after an emergency occurs; (4) identify multiple means of alerting the public to emergencies; (5) establish interoperable communications systems for use in emergencies; (6) execute mutual aid agreements with adjacent and nearby local governments; (7) include in local emergency management plans decision points that can assist officials in determining whether the full provisions of a plan should be activated; and (8) conduct emergency training that has clear objectives, is related to the types of emergencies most likely to occur, and represents everyone with responsibilities in emergency.

- ***William Alford, President, International Lighthouse Group, Inc.***

Mr. Alford indicated that his organization works with the Food Marketing Institute. He suggested that government should strongly consider partnering with grocery stores when providing assistance during emergencies. He stated that they are able to help during a crisis and cited examples from the Hurricane Katrina disaster. He cited the lessons learned from Hurricane Katrina in the following areas: (1) establishing reciprocal agreements with government and private sector relief agencies; (2) communicating with the workforce; (3) meeting financial responsibilities to employees; (4) managing health considerations; (5) operating with a diminished workforce; (6) providing alternative communications technology; (7) reviewing insurance coverage; and (8) providing security when there is none.

- ***Thomas Thieding, Executive Director of Public Relations, Wisconsin Farm Bureau***

Mr. Thieding noted that he is the chairman of the Wisconsin Agro-Security Resource Network (WARN). He said that WARN is a network of agricultural and food industries and organizations and government agency representatives, focused on agricultural and food security preparation and incident communication response to industry partners and consumers. Its main goal is to maintain consumer confidence in Wisconsin's food products and U.S. food safety systems prior to and in the event of an incident. Another goal of WARN is to establish formal participation in incident communication by helping coordinate development and distribution of consistent, scientific, and accurate information to media, producers, industry groups, and consumers. He noted that WARN includes over 20 local, state, regional, and national government agencies that are involved with animal health, food safety, emergency management, and incident response, and also includes over 35 industry groups, organizations, and companies connected to animal agriculture.

- ***Robin Schmidt, Agency Liaison for Food and Agriculture Security; Steve Steinhoff, Administrator, Division of Food Safety; and Dr. Paul McGraw, Assistant State Veterinarian; Department of Agriculture, Trade and Consumer Protection***

Ms. Schmidt discussed the involvement of the Department of Agriculture, Trade and Consumer Protection (DATCP) in emergency preparedness planning. She stated that DATCP, like other agencies, has a continuity of operations plan. They have developed a State Food Emergency Response Plan and are also initiating a pandemic planning process. She stated that DATCP recently submitted a grant application to the federal Department of Homeland Security to help develop additional plans relating to animal quarantine, holding products, and identifying and defining the food distribution system in

Wisconsin. She stated that they have been working with the private sector, including participation in WARM.

Ms. Schmidt added that DATCP has established a network of veterinarian professionals who can provide assistance during an animal health emergency. She stated that this Vet Corps has received training in the Incident Command System of emergency management. She also cited involvement of DATCP in activities undertaken by Wisconsin Emergency Management (WEM), including serving on the Homeland Security Council and the WEM Interagency Workgroup. She added that DATCP is an active member of the Multi-State Partnership for Agriculture Security.

Finally, Ms. Schmidt stated that the specific challenge for DATCP is to revise the carcass disposal statute, s. 95.50, Stats., which is outdated. She stated that if the Special Committee wishes, she could share with it the statutory changes that DATCP believes are necessary relating to carcass disposal.

Dr. Ehlenfeldt noted that Wisconsin requires registration with DATCP of premises that have any livestock. In Wisconsin, there are over 54,000 registered premises, of which 14,000 involve poultry. He also noted that if there is an animal disease, DATCP has authority under the statutes to quarantine a site and products.

- ***Robert Marchant, Senate Chief Clerk; and Patrick Fuller, Assembly Chief Clerk***

Mr. Fuller noted that the Wisconsin State Assembly has a concept rather than a continuity of operations planned. He stated that they had been working on this for over a year and have contacted other states regarding this issue. He added that there is a need to know where the alternative seat of government is in the case of an emergency and whether it could house 132 legislators and staff. He added that his office needs to work with legislative leaders on this and that it will take about six to eight months to finalize a continuity of operations plan. Mr. Fuller added that in other states, local governments are more prepared to continue operations in emergencies than are the state governments.

Mr. Marchant stated that he is reviewing statutory and even constitutional changes with regard to continuity of operations, including lines of succession. He added that Art Zoellner of the Department of Administration has put together a draft process for the chief clerks to follow in developing a plan.

### **Responses to Requests for Information**

- ***Johnnie Smith, Administrator, Division of Emergency Management, Wisconsin Department of Military Affairs***

Mr. Smith summarized a meeting that was held in Chicago to coordinate mass evacuation planning within 200 miles of Chicago. He stated that they are looking at issues such as housing 100,000 people and dealing with special needs populations. He stated that the group that met will continue the discussions regarding mass evacuation planning.

### **Description of Memo No. 1, *State Statutes Providing Liability Protection During Emergencies***

Mr. Sweet summarized Memo No. 1, which included descriptions of various state statutes that provide liability protection during emergencies. The statutes summarized in the memo were the following: (1) the Good Samaritan law [s. 895.48 (1), Stats.]; (2) assistance during disasters or declared emergencies [s. 166.03 (10), Stats.]; (3) services during declared emergencies on behalf of a health care facility [s. 250.042 (4), Stats.]; (4) the Emergency Management Assistance Compact (EMAC) [s. 166.30 (6), Stats.]; (5) use of defibrillators [s. 895.48 (4), Stats.]; (6) hazardous substances [s. 895.4802, Stats.]; and (7) regional and local hazardous substance emergency response teams [s. 895.483, Stats.].

With regard to the statute dealing with assistance during disasters or declared emergencies, Mr. Sweet noted that the Department of Health and Family Services (DHFS) had brought to his attention that the statutes allow emergencies to be declared by the state or by a city, village, or town, but not by counties. In addition, in response to a question that Mr. Bazan had asked earlier, Mr. Sweet noted that the statute dealing with services during declared emergencies on behalf of a health care facility, provides protection from liability for the individuals who are volunteering but not for the facility itself.

Mr. Dowling noted that an additional statute, s. 895.51 (2), Stats., provides immunity from liability for certain activities involving donated food. However, he noted that the statute does not cover situations where a grocery store provides food directly to the public during an emergency or situations where the store provides food to a governmental agency. Rather, the statute covers donations to nonprofit organizations.

In response to a question, Ms. Shannon noted that the governor can suspend administrative rules during an emergency under s. 166.03 (1) (b), Stats.

Mr. Smith noted that WEM was willing to work with the Legislative Council staff on any changes that might be needed to EMAC.

### **Plans for Future Meetings**

The next meeting of the Special Committee will be held on ***Wednesday, December 13, 2006, at 10:00 a.m., in the Legislative Council Large Conference Room, One East Main Street, Suite 401, Madison.***

A subsequent meeting of the Special Committee has tentatively been scheduled for ***Wednesday, January 10, 2007, at 10:00 a.m.***

Ms. Shannon noted that there had been a previous request from the committee to hear from the Department of Workforce Development regarding unemployment compensation issues during disasters and to hear from the Department of Commerce on business preparedness issues.

Mr. Ritger stated that he would like more information from DHFS on the Health Resources and Services Administration (HRSA) hospital program.

Mr. Eggebrecht suggested that it would be useful to hear from the Department of Public Instruction on continuity of schools during an emergency such as a pandemic.

Chair Ballweg mentioned that after the speakers at the next meeting, the committee will begin to discuss potential recommendations. She asked that committee members send to Legislative Council staff their potential recommendations for inclusion in a composite list that will be reviewed by the committee at its next meeting. Ms. Shannon requested that the potential recommendations be sent to Legislative Council staff by November 27 and noted that this could be done by electronic mail.

### **Adjournment**

The meeting was adjourned at 3:45 p.m.

RNS:wu:jb;wu