



WISCONSIN LEGISLATIVE COUNCIL

SPECIAL COMMITTEE ON EMERGENCY MANAGEMENT & CONTINUITY OF GOVERNMENT

Legislative Council Conference Room
Madison, Wisconsin

July 30, 2008
10:00 a.m. - 2:45 p.m.

[The following is a summary of the July 30, 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.

COMMITTEE MEMBERS PRESENT: Senator Robert Jauch, Chair; Representative Joan Ballweg, Vice Chair; Representatives Samantha Kerkman and Marlin Schneider; and Public Members Dan Alexander, Gary Dalton, Dr. Azita Hamedani, Ken Hartje, Keith Kesler, Robert Ritger, and Johnnie Smith.

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

APPEARANCES: Terry C. Anderson, Director, Wisconsin Legislative Council; Johnnie Smith, Administrator, Wisconsin Division of Emergency Management; Tom Anderson, Emergency Coordinator, and Billee Bayou, Emergency Assistance Volunteer Registry Coordinator, Wisconsin Department of Health Services; Art Zoellner, Continuity of Government Director, Wisconsin Department of Administration; and Robert Marchant, Senate Chief Clerk, and Patrick Fuller, Assembly Chief Clerk.

Opening Remarks

Terry C. Anderson, Director, Legislative Council Staff, welcomed the committee and introduced the Legislative Council staff assigned to the committee: Dick Sweet and Pam Shannon, Senior Staff Attorneys, and Tracey Young, Senior Administrative Assistant. He noted that the Joint Legislative Council established this and about 15 other committees from more than 80 requested study subjects. He said that the committee's task is to examine the issues set forth in the committee charge and make legislative recommendations to the Council for possible introduction in the 2009 Legislative Session. He said that the primary rule of committee procedure is that members must be present to vote and there is no voting by proxy.

Introduction of Committee Members

Chair Jauch asked the committee members to introduce themselves and explain their background in emergency management.

Description of Materials Distributed

Ms. Shannon briefly described the written materials distributed to members and noted that all materials are available on the committee's Internet site: www.legis.state.wi.us/lc.

Presentations by Invited Speakers

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

Johnnie Smith, Administrator, Wisconsin Division of Emergency Management, Department of Military Affairs (DMA). Mr. Smith noted he is the administrator of the Division of Emergency Management, more commonly known as "Wisconsin Emergency Management" or "WEM." He introduced Diane Kleiboer, Supervisor of the WEM Disaster Recovery Section, and Randi Milsap, Chief Legal Counsel, DMA. Mr. Smith first gave a PowerPoint presentation on the organization of WEM. He explained that WEM's role is to coordinate the state's preparedness efforts and assist local officials in responding to emergencies. He noted that WEM has two bureaus, one for planning and preparedness, the other for response and recovery, and six emergency management regions, with regional offices at Spooner, Waukesha, Wausau, Madison, Eau Claire, and Fond du Lac. He described programs administered by WEM and the function of the WEM duty officer and the 24-hour emergency hotline.

Next, Mr. Smith summarized an outline on subjects including the components of emergency management; WEM resources; planning, training and exercising; recent emergency incidents; the state disaster fund; and challenges WEM faces in the areas of communications, funding and staffing. In response to a question on funding for hazardous materials ("HAZMAT") spills, Mr. Smith asked Ms. Milsap to prepare information for the committee's next meeting.

Tom Anderson, Emergency Coordinator, and Billee Bayou, Emergency Assistance Volunteer Registry Coordinator, Wisconsin Department of Health Services (DHS) (not to be confused with the U.S. Department of Homeland Security, which also uses that acronym). Mr. Anderson summarized his written testimony on suggested changes to ch. 166, Stats., Emergency Management. He said that ch. 166 includes provisions for declaring a public health emergency in which DHS and local health departments would play key roles. He noted that, while ch. 166 includes definitions of “bioterrorism” and related terms, the powers and duties of DHS and local health departments with respect to those activities are located in other statutory chapters, including ch. 250, Health Administration and Supervision, and ch. 252 Communicable Diseases. He suggested that all of the provisions relating to public health emergencies be referenced in a single location within ch. 166. He made the same suggestion regarding provisions relating to granting state agent status and providing liability protection to volunteers during emergencies.

Ms. Bayou summarized her written testimony about the Uniform Emergency Volunteer Health Practitioners Act (UEVHPA) which was approved by the National Conference of Commissioners on Uniform State Laws in 2007 and is being considered by a number of state legislatures. She said that this legislation addresses the issue of standardizing requirements for states to deploy volunteer health professionals across state lines in response to a declared emergency. She noted that during Hurricanes Katrina and Rita, many stories surfaced about the inability of states to utilize health professional volunteer services from other states.

Ms. Bayou said that by federal directive, every state is required to have a Web-based electronic registration and credentialing system for volunteer health professionals and that Wisconsin has enacted legislation establishing the Wisconsin Emergency Assistance Volunteer Registry (WEAVR). She noted that WEAVR was used during the summer 2008 floods, when the State Emergency Operations Center contacted DHS to call out WEAVR members to help staff Red Cross shelters.

Art Zoellner, Continuity of Government Director, Wisconsin Department of Administration (DOA), gave a PowerPoint presentation about Wisconsin’s Continuity of Operations (COOP) program, which was established in response to a 2004 directive to DOA from the Governor to lead an effort to improve and strengthen COOP plans in executive branch agencies. He said COOP planning focuses on individual state agency readiness to perform time-sensitive business services in an emergency, whether caused by a natural disaster or cyber or other attack, where there is potential loss of the use of agency headquarters, information and communications technology, or agency workforce. He covered the subjects of readiness, COOP project organization, elements of a COOP plan, Wisconsin’s pandemic COOP plan, and federal COOP initiatives. He concluded by describing the assistance he has provided to the Legislature, primarily through the chief clerks and the legislative service agencies (Legislative Council, Legislative Reference Bureau, Legislative Fiscal Bureau, Legislative Audit Bureau, and Legislative Technology Services Bureau) in facilitating COOP plan development, including identification of business services and recovery time objectives.

Robert Marchant, Senate Chief Clerk, and Patrick Fuller, Assembly Chief Clerk, Wisconsin Legislature. Mr. Fuller distributed a chart, *Wisconsin Legislature, Your Business Service*. He noted that the chief clerks and the legislative service agencies are currently working on legislative COOP plans. Mr. Marchant summarized a memorandum outlining procedures that would apply in the event of a natural disaster or enemy attack that incapacitates the Legislature and requires moving the seat of government from Madison. The memorandum raises issues the study committee may wish to consider

relating to legislative lines of succession, emergency seat of government, special elections, temporary interim legislators, and practicing (“exercising”) the Legislature’s COOP plan. He noted that the current statutory scheme is inadequate and that the Legislature could do business, without doing “business as usual”, if certain statutory changes were made.

Discussion of Committee Assignment

The committee first discussed the items that are in the committee’s charge. With regard to COOP planning, Chair Jauch established a subcommittee comprised of the four legislators on the committee to work with the chief clerks and committee staff to develop options for statutory (and possibly constitutional) changes, for consideration by the full committee. He noted that all committee members will receive notice of subcommittee meetings and are welcome to attend and participate in those discussions. Regarding the uniform act, he asked committee staff to work informally with DHS staff to determine which portions of the uniform act are not already in Wisconsin law and develop options for consideration by the full committee.

Regarding the recodification of ch. 166, Chair Jauch established a drafting subcommittee consisting of DMA Executive Assistant Larry Olson and Chief Legal Counsel Randi Milsap and a representative of DHS, and staffed by Pam Shannon, Dick Sweet, and Legislative Reference Bureau drafters Robin Ryan and Robert Nelson. The Chair noted that this work would be technical in nature, but that as with the other subcommittee, all committee members will receive notice of subcommittee meetings and are welcome to attend and participate in the discussions.

Next, the Chair asked members for suggestions of other issues the committee might consider. Mr. Alexander suggested looking at issues relating to the activation of urban heavy rescue teams during a regional response and payment and liability issues relating to those teams. He noted that Randi Milsap from DMA and others, including the Office of Justice Assistance (OJA), have been looking at these issues and might be able to address the committee. Mr. Hartje and Representative Kerkman suggested the issue of public works mutual aid.

Representative Ballweg suggested the development of a template for mutual aid that could be used regardless of the emergency management setup in a particular county. Mr. Ritger said the issue of regional emergency management planning should be addressed. Representative Schneider suggested the issue of communications among different radio systems. Representative Kerkman suggested the subject of guidance to local officials on damage assessment following a disaster.

Chair Jauch suggested looking at the funding and staffing of the Wisconsin disaster relief program, as well as possible expansion to cover emergencies other than natural disasters. He also noted issues relating to WEM staffing, local infrastructure concerns as the result of local levy limits, and public health agency needs. Finally, he cited the concern raised in the letter to Mr. Smith from county emergency management heads regarding better coordination, delineation of responsibilities, and communication among WEM, OJA, local emergency management agencies, DHS and others in the system.

Other Business

There was no other business brought before the committee.

Plans for Future Meetings

The next meeting of the Special Committee will be *Wednesday, September 10, 2008, in the Legislative Council Conference Room, 1 East Main Street, Suite 401, Madison*. The following meeting is scheduled for *October 1, 2008*, with details to be provided at a later date.

Adjournment

The meeting was adjourned at 2:45 p.m.

PS:ty