JOAN BALLWEG

WISCONSIN STATE REPRESENTATIVE

PO Box 8952, State Capitol
Madison, Wisconsin 53708-8952
(608) 266-8077
Toll-free: (888) 534-0041
Rep.Ballweg@legis.state.wi.us

41ST ASSEMBLY DISTRICT

AB 321: Recommendations of the Special Committee on Disaster Preparedness Planning
Testimony by State Representative Joan Ballweg
Homeland Security and State Preparedness Committee
May 15, 2007

Last year I was selected to Chair the Legislative Council Special Committee on Disaster Preparedness Planning, which 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. The committee consisted of four Representatives and 12 public members. During the committee's six meetings, it heard from representatives of state agencies and private organizations regarding the current status of preparedness planning and expectations for future planning.

The committee sent letters to the Wisconsin Supreme Court, Director of State Courts, Joint Committee on Legislative Organization, Department of Workforce Development, Office of Justice Assistance, and other state agencies requesting that the agencies take specific action to further preparedness planning.

In addition, I continue to work on several issues including: Legislative Continuity Planning, which is headed by the Chief Clerks in both the Senate and Assembly; Unemployment Compensation issues with the Dept. of

Workforce Development; Discussions regarding Mutual Aid, both inter and intra state; and private sector assistance with government entities in the event of a disaster or local emergency.

The study committee approved five recommendations to present to the Joint Legislative Council Committee for introduction. The council approved those five drafts and recommended that they be introduced as one combined bill, which is before you today as AB 321. My testimony on the bill will address each component individually.

Designation of state agency status for certain health care facilities that use volunteer providers during a declared state of emergency:

Under current law, a behavioral health provider, health care provider, pupil services provider, or substance abuse prevention provider who, during a declared emergency, provides services for which the person has been licensed or certified, is for the provision of those services, a state agent of the Department of Health and Family Services for purposes of several statutes. The services must have been provided on behalf of a health care facility on a voluntary, unpaid basis.

This bill expands the current law to also provide state agent status for the health care facilities on whose behalf the services are provided during a declared state of emergency.

Declarations of emergencies by counties:

The current law that I previously described provides state agent status for providers during a declared emergency. The emergency must be declared by the Governor or by a city, village, or town.

This bill allows the governing bodies of counties to declare emergencies, thereby providing state agent status to certain volunteers during county-declared emergencies.

Immunity from liability for qualified food and emergency household products:
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.

This bill 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. This bill also creates new immunity provisions to cover donating or selling, at a price not to exceed overhead and transportation costs, emergency household products, (which include personal care items) 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.

Creating an interoperability council:

The Governor has created a State Interoperability Executive Council by executive order. "Interoperability of communications" refers to the ability of public safety agencies to be able to communicate with each other and with other agencies during emergencies, by means of radio or related systems.

This bill makes the council a statutory body, replacing the current council established by executive order, and renames it the Interoperability Council. The Council serves in an advisory capacity to the Office of Justice Assistance and is responsible for activities relating to a statewide public safety interoperable communication system. This bill also expands the membership of the Council.

Requiring public and private schools to conduct tornado or other hazard drills:

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 hazards drills. In addition, schools are required to maintain a record of each fire drill for at least seven years.

This bill requires schools to conduct a tornado or other hazard drill, without previous warning, at least twice each year, and maintain a record of each tornado or other hazard drill for at least seven years.

Before I answer questions on the bill, just a comment on the Special Committee process. As a first term legislator, I appreciated the opportunity to chair the special committee and found the ability to have public members extremely beneficial to the process and it provided insight on this topic. It also gave those leaders from the private sector and local government the ability to have a direct input on state policy and educate the legislators on the panel as well.

I'd also like to thank and complement the Legislative Council Attorneys assigned to the committee, Pam Shannon, Dick Sweet, and Jessica Karls. They did a great job in preparation and communication with the members, and of course enhanced the product of the committee.

You all know Pam, as she staffs our committee, and Mr. Sweet and Ms. Karls are here today as well. If you have any questions, we would be glad to answer them for you at this time.

WISCONSIN HOSPITAL ASSOCIATION, INC.

May 15, 2007

To: **Members of the Assembly Homeland Security & State Preparedness Committee**

From: **Bill Bazan,Vice President, Metro Milwaukee, Wisconsin Hospital Assn.**

Re: **SUPPORT FOR ASSEMBLY BILL 321**

My name is Bill Bazan, VP, Metro Milwaukee, for the Wisconsin Hospital Association (WHA). I was an appointed participant on the Joint Legislative Council's Special Committee on Disaster Preparedness Planning. I am also the lead WHA person who has been working closely with the state Hospital Disaster Preparedness Program since its inception. As such, WHA fully supports the recommendations that the Special Committee has proposed to the Joint Legislative Council at its hearing on May 10. The Joint Legislative Council unanimously voted to support those recommendations.

Wisconsin's hospitals will be in the forefront if any natural or man-made disaster should strike the state. As such, in order to meet the health care needs of the community, hospitals would deploy volunteers to assist in caring for those most affected by such disasters. This bill would give hospitals, and other health care facilities as defined in the bill, certain protections from liability. AB 321 designates the health care facilities on whose behalf health care services are provided during a declared state of emergency to be state agents of the Department of Health and Family Services.

On behalf of WHA and its 130 member hospitals, I thank you for your support of AB 321, a very important piece of legislation.

If you have any questions, do not hesitate to contact me at 414-431-0105 or at bbazan@mailbag.com.

5510 Research Drive, Post Office Box 259038, Madison, WI 53725-9038 P (608.274.1820) F (608.274.8554) wha.org