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41ST ASSEMBLY DISTRICT

AB 321: Recommendations of the Special Committee on Disaster Preparedness Planning
Testimony by State Representative Joan Ballweg
Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection Committee
December 12, 2007

Thank you to Senator Wirch and members of the committee for holding this public hearing on AB 321 today.

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.

Amendments:

There are two amendments that have been adopted as the bill went through the Assembly. Assembly Amendment 1 was requested by the Dept. of Health & Family Services. It gives state agent status to volunteers in a mass clinic during a public health emergency. The reality is that healthcare providers in a hospital or health dept. in a declared emergency are covered, but a mass clinic was not specifically covered, although it would be organized by a local health department or DHFS. This authorization was included in the base recommendations of the Special Committee.

Assembly Amendment 2 was suggested by the WI Fire & EMS Legislative Leadership Coalition. As a result of 2005 Wisconsin Act 220, there were a number of reforms enacted that affected reporting requirements for D.O.A., school boards, and D.P.I. One of the 10 items, for School Boards and DPI, eliminated the requirements that schools file a report annually pertaining to fire drills to the Dept of Commerce and local fire departments, but schools were to retain those records. D.O.C. had not been reviewing the reports, however the local fire departments feel they are invaluable, when they have to respond to an actual emergency at the school. Amendment 2 restores the reporting requirement to the local fire departments.

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 compliment 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.

Ms. Shannon and Mr. Sweet are here today, and if you have any questions, we would be happy to answer them for you at this time.