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WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATORS JUDITH ROBSON AND RONALD W. BROWN
FROM: Pam Shannon, Senior Staff Attorney PS
RE: Suggested Changes to 2003 Senate Bill 120
DATE: October 21, 2003

As requested by Senator Robson, attached is a list of suggested changes to Senate Bill 120 made by speakers at the October 15, 2003 public hearing. In some cases, the speakers provided more detailed suggestions for language changes following the public hearing. In other cases, more detailed information requested from speakers was not received in time to be included in the list, so only their general suggestions are included.

The suggestions are grouped by subject and identified by speaker. The following people made suggestions for modifications to the bill:

1. Jayne Meyer, Wisconsin Regional Response Team Network.
2. Steve Marshall, Director, Office of Bioterrorism Preparedness, Department of Health and Family Services.
3. Randi Milsap, Legal Counsel, Department of Military Affairs.
4. Terry Hottenroth, Attorney, Boardman, Suhr, Curry & Field, representing the Wisconsin Association of Local Health Departments and Boards (WALHDAB).
5. James Hawkins, Attorney, Great Lakes Inter-Tribal Council.

PS:jal;ksm

Attachment

RECOMMENDATIONS FOR MODIFICATIONS TO SENATE BILL 120

1. Public Health Council

Include representatives of tribal governments in the membership of the council. (Hawkins)

2. Incident Command System

- a. Specify the particular incident command system (ICS) to be utilized (Meyer, Milsap). Use the ICS currently utilized by fire departments and specify that ICS in administrative rules rather than statutes for greater flexibility. (Meyer)
- b. Refer to the system as “incident *management* system.” (Meyer, Marshall)
- c. Include tribes as possible ICS participants. (Hawkins)

3. Mutual Aid

- a. Modify the language on page 5, lines 24 and 25, to specify that the ICS manager or that person’s designee, rather than “a person acting under an incident command system,” is authorized to make the decision whether to request mutual aid. (Meyer)
- b. Require that the agency requesting mutual aid reimburse the agency providing assistance for personnel-related costs. (Meyer, Marshall, Milsap)
- c. Revise the definition of “emergency management program” so that it refers only to government agencies and not, for example, paramilitary organizations. (Meyer)

[Note: “emergency management program” is defined on page 5, lines 12 and 13, as “the emergency management program of a city, village, town, or county, under s. 166.03 (4)(a).” Therefore, as drafted, this definition is specific to local government units.]

- d. Specify that the mutual aid provisions of the bill do not preclude municipalities from operating instead under an intergovernmental cooperation agreement and that any such agreement would supersede the mutual aid statute. (Hottenroth)
- e. Specify that Indian tribes may be parties to mutual aid agreements. (Hawkins)

4. Terrorist Threats

Delete SECTIONS 13 and 14 of the bill, relating to making terrorist threats, as the language is in Assembly Bill 71, which has passed both houses. (Marshall)

5. Other Recommendation

Replace the references to the 2000 State Health Plan in the requirements that local health departments have to meet. (Hottenroth)

Gilbert, Melissa

From: Vick, Hannah
Sent: Friday, October 31, 2003 1:32 PM
To: Gilbert, Melissa
Subject: FW: SB 120

How important is this? Does RB need to see it right away?

-----Original Message-----

From: rozar [mailto:superrn_2@charter.net]
Sent: Friday, October 31, 2003 1:06 PM
To: Sen.Brown@legis.state.wi.us
Cc: Julie Willems Van Dijk; Theresa M. Hottenroth; Doug Moorman
Subject: SB 120

Dear Senator Brown--

I understand you are meeting on Monday afternoon to discuss SB 120 and wanted to get to you a hard copy of my comments from my appearance before your committee the afternoon of October 15th. On behalf of the public health community, I again want to thank you for your interest regarding public health inclusion in the timely discussions on disaster preparedness and bioterrorism. Your comments regarding the critical role public health plays in the big picture is noted and appreciated.

In light of AB 71, the segment of SB 120 that speaks to the chemical, biological, or radioactive substance threats may have already been addressed and could be removed from consideration with this discussion. I suppose the status of AB 71 needs to be determined before completely eliminating that part of SB 120. In a post-9/11 world, individuals need to understand the seriousness of making threats such as these, and significant consequences need to be in place when they are made. As stated, Dr. Urban who served as co-chair of the leg study council committee had proposed similar legislation during his tenure. It did not move through the legislative process while he was in office and so was included in these recommendations.

The exemption from liability piece simply makes common sense. During an emergency declared by the governor, many will need to assist with multiple facets of the emergency and individuals should not have to worry about putting their credentials at risk by offering their expertise. We find ourselves living in a litigious society--making this type of legislation necessary.

I repeat--I feel ridiculous even trying to discuss the incident command system/intrastate mutual aid with one who knows it better than I will ever understand it. Discussion has taken place that is agreeable to an amendment to make the language such that the entity that requests the assistance is ultimately responsible for the bill. However, the sending entity has a better understanding of how much it cost to send the assistance and should come up with a "bill" which is then sent to the requesting entity. The jurisdiction affected by the emergency would then be able to request reimbursement from FEMA. DHFS noted the necessity of language changes and suggested looking at draft bill LRB-1513/5 for possible language.

Two points I made during my comments included how important it was to include public health in all aspects of the incident command system/intrastate mutual aid discussions. This is a new role for public health and as you noted, they've responded admirably to recent events but it was done because there were people in place with steep learning curves and much stress has been felt by local health departments over the months. Local health departments have traditionally not been a part of the training, etc. so even the language was new to many individuals.

All emergencies have public health implications and public health needs to be a full partner in the discussions and training pieces of both the incident command and the intrastate mutual aid systems.

Again, these systems are only put into place when there is a declared emergency by the governor.

The reimbursement for quarantine costs makes sense because people are very mobile in our society. It is in the state's best interest to pay for costs for a person's quarantine costs outside his/her home to keep the person from traveling around the state with a communicable disease. Local health officers need never to be in a position to have to consider the cost when a decision needs to be made in the interest of any community's risk to a public health emergency. Our state is made up of communities--and the boundaries become more and more difficult to delineate as the months go by--esp. with local health departments.

And last but certainly not least is the matter of the Public Health Council. I hope that by this time you have been able to review the "Healthiest Wisconsin 2010" document. There are worthy goals contained therein and there needs to be a group that works diligently to further those goals. I understand Mr. Marshall's comments about the

10/31/2003

PHAC group but with the adjustment of the group to comply with grant requirements, the focus may dilute the emphasis on public health issues and implementation of the state health plan. If we truly believe that public health is a critical component of the big picture and that the health of the people of WI is important in its response to disasters, terrorist attacks, and other public health emergencies, dedicating focused attention to that component is paramount. If a local health department can respond to an influenza, E. Coli or Measles outbreak, the capacity is in place with some outside assistance to respond to a terrorist attack. That capacity building needs some attention.

The State Health Plan's cover states: "A Partnership Plan to Improve the Health of the Public". The state really could be a better partner with its implementation. A Public Health Council (a close replacement for a past State Board of Health) would be a great step forward in the state assuming more of its responsibility in partnering. Thank you again for the attention you and your committee are giving this bill. I look forward to following its progress through the legislative process.

Donna Rozar, Wood County Board Supervisor
Chair, Wood County Board of Health

Gilbert, Melissa

From: Sweet, Richard
Sent: Friday, November 14, 2003 11:47 AM
To: Gilbert, Melissa
Cc: Shannon, Pam; Offerdahl, Mary
Subject: RE: SB 120

Yes, we shared with LRB the written suggestions from Jim Hawkins.

-----Original Message-----

From: Gilbert, Melissa
Sent: Friday, November 14, 2003 11:44 AM
To: Sweet, Richard
Cc: Shannon, Pam; Offerdahl, Mary
Subject: RE: SB 120

Sounds good -- thank you!

Did we add language including the tribes in the Public Health Council, ICS and mutual aid provisions?

-----Original Message-----

From: Sweet, Richard
Sent: Friday, November 14, 2003 11:31 AM
To: Gilbert, Melissa
Cc: Shannon, Pam; Offerdahl, Mary
Subject: SB 120

Melissa,

Just wanted to let you know that Pam, Mary, and I met with Marc Shovers from LRB this morning to request the amendment to SB 120 that we had met with David Bloom and Terri Hottenroth about. We put the request in under Ron's name, so you'll get the stripes, but we'll get copies and will have a chance to look it over. It will probably be a simple amendment, rather than a sub, so people will be able to see more easily where the changes are.

Marc said the LRB can probably get the amendment done within a couple of weeks, but if you have a different timeline, do you want to let us know. Thanks.

Dick

Gilbert, Melissa

From: Theresa M. Hottenroth [THottenroth@boardmanlawfirm.com]
Sent: Sunday, December 21, 2003 4:13 PM
To: Mary.Offerdahl@legis.state.wi.us; Melissa.Gilbert@legis.state.wi.us;
Pam.Shannon@legis.state.wi.us; Richard.Sweet@legis.state.wi.us;
bloomd@town.madison.wi.us
Cc: WEIDMANNJO@aol.com; Amy S. Dixon; superrn_2@charter.net; mormann.doug@co.la-
crosse.wi.us; LCPH@JUNO.com; jawvd@mail.co.marathon.wi.us
Subject: Re: FW: LRB 03a1870 Topic: Creation of public health council, emergency mutual aid
Importance: High

** High Priority **

Dear Melissa,

Thanks much for forwarding a copy of the draft amendment to SB 120. I have looked it over on behalf of the WI Assn of Local Health Departments and Boards, and have just two questions/concerns, both dealing with the drafting of the mutual aid provisions:

1. A technical but potentially important issue - section 9 of the amendment relies on intergovernmental cooperation agreements as authorized under sec. 66.0301, Stats., as the cornerstone for the mutual aid pacts that would generally serve as the basis for determining which agency (requesting or responding) is responsible for costs, to what degree, in what circumstances, etc. I think we are all in agreement with the concept of the amendment, which is that in general, where such an agreement exists, the agreement controls. If no agreement exists, then the receiving agency is responsible for the costs incurred by the responding agency. So far, so good.

However, the amendment specifically requires that the agreement be one under s. 66.0301. Sec. 66.0301(1)(a) lists the types of municipalities and municipal agencies that may enter into agreements governed by that section. It lists a city-county health department but it does not include other local health departments/boards authorized by statute that involve more than one city, village, town, or county. However, sec. 250.01 recognizes as permissible local health department structures not just a city-county health department, but also, e.g., a multiple municipal health department established under s. 251.02(3r) and a multiple county health department established under s. 251.02(3).

As I read the current statutes and the amendment, it seems to me that a multiple municipal health department and its governing board, and a multiple county health department and its governing board, are not covered by s. 66.0301, and therefore any mutual aid agreements such agencies entered into with others would not control any cost allocation between the agencies. Instead, per Section 9's new (b)3., "If no agreement under s. 66.0301 for the payment of such services exists, the governmental unit that receives the assistance is responsible..." (emphasis added). In effect, this new language would actually force a mutual aid agreement to be overridden, and the receiving agency to always pay the costs, where one of the agencies entering into the agreement is a "hybrid" such as a multiple municipal health department. (Except for city-county health departments, because they're already specifically referenced in 66.0301.) I think we want to include these other "hybrids" as well as city-county health departments. I suggest that the easiest way to do this is to add an amendment to s. 66.0301 which either adds the names of these hybrids to s. 66.0301(1)(a) after "city-county health department," or cross-references s. 250.01(4) in lieu of stating "city-county health department."

Examples:

Option 1. Amend s. 66.0301(1)(a) by deleting "or" in the very last line ("or city-county health department") and adding the following at the very end of the subsection (1)(a): "city-county health department, multiple municipal local health department, or multiple county health department".

Option 2: Amend s. 66.0301(1)(a) by deleting "city-county health department" at the very end, and adding something akin to this at the very end of the subsection (1)(a): "or local health department, as defined by s. 250.01(4), which is jointly established by any two or more counties, cities, villages, or towns".

Neither of these affects the ability/inability of a local health department and board established by a single municipality (e.g., Marathon County Health Department/Board) to enter into agreements itself (via the governing health board) under s. 66.0301, versus having those agreements entered into by the municipality (the city, county, etc. rather than the city or county board of health). Sec. 251.09 specifically provides that "[l]ocal health departments jointly may provide health services as agreed upon under s. 66.0301,..." but neither section addresses who may enter into a 66.0301 agreement. Currently, does the parent municipality enter into a mutual aid agreement for local health department services, or does the local board of health have the power to enter into such agreements? Does it vary depending on the grant of authority from the parent municipality? I don't know the answer to this, and I pose the question to those receiving this e-mail, including the WALHDAB leadership whom I have cc'd on this missive. IF in some cases local boards of health have the authority to enter into mutual aid agreements on their own, without going back to, e.g., the county board for signoff, then the language of the proposed amendment would also override those agreements.

Option 3 fixes this (if it's a problem) and the problem of the hybrid, multiple-municipality health departments, as follows: at the very end of s. 66.0301(1)(a), at the phrase which now reads "or city-county health department," delete "city-county" and add "local"; after "department," add "as defined in s. 250.01(4)". Under this option, any health department (via its governing board) could enter into qualifying s. 66.0301 agreements depending on the powers granted to the local board of health by the municipality or municipalities creating the health department and board and depending on the limits of authority granted to the local health board by the creating municipality(ies). Note that the bill elsewhere uses s. 250.01(4) to define "local health department", e.g., Section 5 of the bill defining "local health department" for purposes of ch. 166 - emergency management, the incident command system, etc.

2. That was the technical issue. Now my substantive question: sub. 2 of Section 9 of the amendment provides that if a request for assistance pursuant to a mutual aid agreement is made under the state plan of emergency management (s. 166.03(2)(a)1.), and that plan is in effect/has been activated or invoked by a declaration of a state of emergency, then the mutual aid pact is overridden to the extent that the mutual aid agreement provides that the responding agency is responsible for any personnel or equipment costs, and requires that the receiving agency pay all costs.

My notes from our meeting discussing this issue indicate that we agreed that the mutual aid agreements should generally control the issue of cost recovery, and that in addition, as part of the emergency management plan or related administrative rules, the Dept of Emergency Government would specify when and how the responding agency can seek cost recovery from the receiving agency. We talked about the Illinois model in particular, and used as examples the ability for the responding agency

to seek cost recovery from the receiving agency when there is a declared statewide public health emergency, or when there is a regional or local emergency where the responding agency exceeds some level of resource expenditure. My notes are unclear on whether we intended that to override a mutual aid agreement, or whether these would be the fallback or "default" rules where there is no mutual aid agreement applicable. I'm a little concerned that the draft amendment simply overrides a mutual aid agreement, if the agreement provides that the responding agency is responsible for any personnel or equipment costs, and instead requires that the receiving agency bear all costs, if the emergency management plan is in effect and aid is requested under the plan. As a result, for example, if a mutual aid agreement provided that the responding agency would provide certain services free, or a certain level or amount of services free, and would charge the receiving agency for services beyond those described, the amendment would override the agreement and the receiving agency would have to be charged for all costs. I'm not sure this is what we intended.

One alternative would be to defer the specifics on this to the Dept of Emergency Government and require that the state plan of emergency management, as described in s. 166.03(2)(a)1., specify when and to what extent the mutual aid agreements (the 66.0301 agreements) are overridden and the receiving agency becomes responsible for all or part of the costs notwithstanding other provisions of the 66.0301 agreement. This would require altering Section 9 of the amendment along the following lines:

- Keep the amendment language "as is" with respect to the proposed new language for (b)1. and (b)3. These provide that, per new (b)1., if a 66.0301 mutual aid agreement exists, the terms of that agreement for payment of services will be followed subject to new (b)2.; per new (b)3., if there is no 66.0301 agreement for payment of services, the receiving agency is responsible for the costs incurred by the responding agency.

- Rewrite Section 9's new (b)2., which specifies when and how 66.0301 agreements are overridden for costs incurred in responding to requests for assistance under the state emergency management plan, to provide something like the following: "If a request for assistance is made under the state plan described under s. 166.03(2)(a)1., and if the state plan includes provisions addressing responsibility by the governmental unit receiving the assistance for personnel or equipment costs incurred by a responding agency, then those provisions shall apply to payment for the requested assistance notwithstanding any provisions to the contrary contained in an agreement described under subd. 1."

If something along these lines is done [I recognize this is not the world's best drafting!], perhaps we also want to include a nonstatutory provision directing the department of emergency government to include in the state plan of emergency management, developed and promulgated under s. 166.03(2)(a)1., provisions addressing mutual aid between municipal emergency response agencies, including provisions governing cost allocation between agencies and cost recovery by responding agencies from receiving agencies.

I hope this makes sense and I welcome feedback on these suggestions; please feel free to call or e-mail with questions or comments. Thanks in advance for your consideration.

Terry Hottenroth
for WI Association of Local Health Departments and Boards
(608) 283-1707 or (608) 444-5002

cc: Amy S. Dixon, Boardman Law Firm

Gilbert, Melissa

From: Sweet, Richard
Sent: Tuesday, January 20, 2004 10:58 AM
To: Shovers, Marc
Cc: Gilbert, Melissa; Shannon, Pam; Offerdahl, Mary
Subject: RE: FW: LRB 03a1870 Topic: Creation of public health council, emergency mutual aid

Marc,

Melissa Gilbert from Sen. Brown's office would like to request a Senate amendment to Sen. Am. 1 to SB 120, along the lines of what I suggested below to address the first point raised by the Wisconsin Association of Local Health Departments and Boards. (They are going to hold off on the second point for the time being.)

Let me know if you have any questions. Thanks for your help.

Dick

-----Original Message-----

From: Sweet, Richard
Sent: Tuesday, January 06, 2004 5:21 PM
To: 'Theresa M. Hottenroth'
Cc: Gilbert, Melissa; Shannon, Pam; Offerdahl, Mary
Subject: RE: FW: LRB 03a1870 Topic: Creation of public health council, emergency mutual aid

Terry,

I wonder if your first concern could be addressed by adding "or other agreement" on page 2, line 6, of the amendment after "66.0301". Also, on line 15, "under 66.0301" could be changed to "described under subd. 1."

Your second point probably warrants some further discussion by the various parties as to what is intended.

Dick

-----Original Message-----

From: Theresa M. Hottenroth [mailto:THottenroth@boardmanlawfirm.com]
Sent: Sunday, December 21, 2003 4:13 PM
To: Mary.Offerdahl@legis.state.wi.us; Melissa.Gilbert@legis.state.wi.us;
Pam.Shannon@legis.state.wi.us; Richard.Sweet@legis.state.wi.us;
bloomd@town.madison.wi.us
Cc: WEIDMANNJO@aol.com; Amy S. Dixon; superrn_2@charter.net;
mormann.doug@co.la-crosse.wi.us; LCPH@JUNO.com;
jawvd@mail.co.marathon.wi.us
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Importance: High

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Terry Hottenroth
for WI Association of Local Health Departments and Boards
(608) 283-1707 or (608) 444-5002

cc: Amy S. Dixon, Boardman Law Firm

Gilbert, Melissa

From: Sweet, Richard
Sent: Tuesday, February 03, 2004 2:41 PM
To: Shovers, Marc
Cc: Gilbert, Melissa
Subject: SB 120 am.

Marc,

Missy from Sen. Brown's office asked that I request an amendment to Sen. Am. 1 to SB 120. The amendment would clarify on page 2, line 17 of Sen. Am. 1 that a respnding agency is not required to bill the governmental unit that receives the mutual aid. I would suggest adding the following after "agency" on line 17--"if the responding agency requests payment of those costs".

Dick Sweet

Senior Staff Attorney
Wisconsin Legislative Council
(608)266-2982
richard.sweet@legis.state.wi.us

2/4

Krug amend - eliminate public health council (rejected 4-12)
Lazich - oppose bill (why?)

JFC vote

15-1 (Lazich)

SOMERS FIRE & RESCUE



CHIEF
Steven Krause

P.O. Box 197
Somers, WI 53171
(414) 859-2277
262

Date: February 12, 2004
To: Wisconsin MABAS Devisions
From: Steven Krause
Subject: Senate Bill 120

After reviewing the proposed Senate Bill 120 and Amendments I would make the following recommendations.

Amendments to Amendment I

1. Page 2, line 7: after the word "exists" add, "at the time of the incident".
2. Page 2, line 15: after the word "exists" add, "at the time of the incident".
3. Page 2, line 17: after that line insert:
4. If a reciprocal agreement under s. 66.0301 is in place at the time of the incident, and if a state plan as described under s. 166.03 (2)(a) 1. Is in effect and the request for assistance is made under the plan the responding agency can recoup personnel or equipment costs as may be received by the governmental unit that made the request for assistance.

These changes should take care of our needs. If anybody can word item 4 better take a swing at it.

2/17- Called Steve iLM
- Steve called
+

+
+ 262-620-0637 cell

2/19- Called Steve
+ wants to make sure future
mutual agreements
+ Dick Sweet memo - believe
problem already addressed



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR TOM REYNOLDS
FROM: ^{RNJ} Richard Sweet, Senior Staff Attorney
RE: Effect of 2003 Senate Bill 120 on the Mutual Aid Box Alarm System
DATE: February 23, 2004 (Revised February 25, 2004)

This memorandum summarizes the effect of 2003 Senate Bill 120, as amended, on the Mutual Aid Box Alarm System (MABAS). Senate Bill 120 was introduced by the Joint Legislative Council on the recommendation of the Special Committee on the Public Health System's Response to Terrorism and Public Health Emergencies. Senate Amendment 1 to the bill was introduced by the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform. Senate Amendment 1 to Senate Amendment 1 was introduced by the Joint Committee on Finance.

The MABAS agreement that you forwarded to me provides for mutual aid between fire departments that are located in Wisconsin and Illinois. Section 5 of the MABAS agreement, which is entitled "Compensation for Aid," states as follows:

Equipment, personnel, and/or services provided pursuant to this Agreement shall be at no charge to the party requesting aid; however, any expenses recoverable from third parties shall be equitably distributed among responding parties. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes.

Senate Bill 120 states that upon the request of a city, village, town, or county, or a person acting under an incident command system, the personnel of any emergency management program, emergency medical services program, fire department, or local health department, may assist the requester within the requester's jurisdiction, notwithstanding any other jurisdictional provision. Senate Amendment 1, as amended by Senate Amendment 1 to that amendment, specifies who is responsible for personnel and equipment costs under this mutual aid provision. The amendment provides as follows:

- If there is an agreement under the intergovernmental cooperation statute or any other agreement between the parties, the terms of that agreement are to be followed, except as provided in the next item.
- If there is such an agreement that specifies that the responding agency is responsible for personnel or equipment costs incurred in responding to a request for assistance and if the state plan of emergency management is in effect and the request for assistance is made under that plan, the governmental unit that receives the assistance is responsible for the personnel and equipment costs incurred by the responding agency (if the responding agency meets personnel and equipment requirements specified in the plan).
- If there is no agreement under the intergovernmental cooperation statute or any other agreement for the payment of services, the governmental unit that receives that assistance is responsible for the personnel or equipment costs incurred by the responding agency.

Since the MABAS agreement is an agreement between jurisdictions, the third item above does not apply. The MABAS agreement is consistent with the first point above which states that the terms of the agreement are to be followed. Therefore, under that point, the terms of the MABAS agreement that provides that personnel and equipment costs are not to be charged to the requesting agency would be followed.

However, in this situation covered by the second item above, where the mutual aid request is made under the state plan of emergency management, there appears to be a conflict between the provisions of the bill as amended and the MABAS agreement. The bill as amended provides that the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency, whereas the MABAS agreement states otherwise. This conflict could be resolved by inserting the phrase "and if the responding agency requests payment of those costs" on page 2, line 14 of Senate Amendment 1 before the period. With the addition of that phrase, a fire department operating under a MABAS agreement and responding to a mutual aid request under the state plan of emergency management could choose not to request payment and would therefore be acting consistently both with the statute and with the MABAS agreement.

Feel free to contact me if I can be of further assistance.

RNS:jal:wu;ksm



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR RONALD W. BROWN
FROM: ^{rnj} Richard Sweet, Senior Staff Attorney
RE: Mutual Aid Provisions of 2003 Senate Bill 120 and Amendments to the Bill
DATE: February 25, 2004

This memorandum summarizes the provisions of 2003 Senate Bill 120, as amended, that relate to mutual aid. Senate Bill 120 was introduced by the Joint Legislative Council on the recommendation of the Special Committee on the Public Health System's Response to Terrorism and Public Health Emergencies. Senate Amendment 1 to the bill was introduced by the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform. Senate Amendment 1 to Senate Amendment 1 was introduced by the Joint Committee on Finance. Senate Amendment 2 to Senate Amendment 1 was introduced by you.

Senate Bill 120 states that upon the request of a city, village, town, or county, or a person acting under an incident command system, the personnel of any emergency management program, emergency medical services program, fire department, or local health department, may assist the requester within the requester's jurisdiction, notwithstanding any other jurisdictional provision. Senate Amendment 1, as amended by Senate Amendments 1 and 2 to that amendment, specifies who is responsible for personnel and equipment costs under this mutual aid provisions. Responsibility for costs is as follows:

- If there is an agreement under the intergovernmental cooperation statute or any other agreement between the parties, the terms of that agreement are to be followed, except as provided in the next item.
- If there is such an agreement that specifies that the responding agency is responsible for personnel or equipment costs incurred in responding to a request for assistance and if the state plan of emergency management is in effect and the request for assistance is made under that plan, the governmental unit that receives the assistance is responsible for the personnel and equipment costs incurred by the responding agency (if the responding agency meets personnel and equipment requirements specified in the plan). This item applies only if the responding agency requests payment of these costs.

- If there is no agreement under the intergovernmental cooperation statute or any other agreement for the payment of services, the governmental unit that receives that assistance is responsible for the personnel or equipment costs incurred by the responding agency if the responding agency requests payment of those costs.

Senate Amendment 1 to Senate Amendment 1 includes "any other agreement between the parties" in the language above, so that agreements that are not entered into under the intergovernmental cooperation statute are also covered. The provisions of the bill, as amended, that relate to intergovernmental cooperation agreements and other agreements are not limited just to agreements that are in place as of the effective date of the bill.

Senate Amendment 2 to Senate Amendment 1 adds language regarding the responding agency requesting payment of costs, as shown at the end of the second and third items above. With the addition of this language, a responding agency could choose to seek payment from the requesting agency in the situations described, but also could choose not to seek payment.

Feel free to contact me if I can be of further assistance.

RNS:jal:ksm;ksm;wu

Gilbert, Melissa

From: Brown, Ronald
Sent: Wednesday, February 25, 2004 12:37 PM
To: Gilbert, Melissa
Subject: FW: Possible Amendment for the Section pertaining to the Public Health Council

-----Original Message-----

From: Huffer, Linda
Sent: Wednesday, February 25, 2004 12:00 PM
To: Robson, Judy; Brown, Ronald
Cc: Welsh, Diane
Subject: Re: Possible Amendment for the Section pertaining to the Public Health Council

Hi Senators:

Diane Welsh asked me to send over possible amendment language we would like to see included in SB 120 relating to creating a public health council, reimbursement for quarantine costs, intrastate mutual aid, requiring use of the incident command system in an emergency, exemption from liability during a state of emergency, threats to release or disseminate harmful chemical, biological, or radioactive substances.

We would like the amendment to read: Under 15.197(13) Public Health Council. There is created in the department of health and family services a public health council consisting of not less than 18 members and no more than 23 members, nominated by the secretary of health and family services, and appointed for 3-year terms.

I hope you find this helpful.

Gilbert, Melissa

From: Tom Liebe [tomliebe@broydrick.com]
Sent: Thursday, March 04, 2004 2:11 PM
To: Gilbert, Melissa
Subject: Re: SB 120 amendment (Intrastate mutual aid agreements)

> From: "Gilbert, Melissa" <Melissa.Gilbert@legis.state.wi.us>
> Date: Mon, 9 Feb 2004 15:33:30 -0600
> To: 'Tom Liebe' <tomliebe@broydrick.com>
> Subject: RE: SB 120 amendment (Intrastate mutual aid agreements)

> Thanks, Tom. I really cannot understand why they would oppose inclusion,
> especially with the new amendment. In any case, this is a Legislative
> Council bill, so somebody must have advocated for the inclusion of EMS in
> the first place. Let me know what you find out. Thanks.

> I'm guessing we'll try to get the bill to the floor the last week of
> February.

> -----Original Message-----

> From: Tom Liebe [mailto:tomliebe@broydrick.com]
> Sent: Monday, February 09, 2004 3:13 PM
> To: Gilbert, Melissa
> Subject: RE: SB 120 amendment (Intrastate mutual aid agreements)

> Thanks Missy. I'll check it out.

> Just an FYI, at the Firefighters/EMS breakfast last week, Ron was talking to
> a couple of firefighters (Larry, I forgot his last name but he's a statewide
> firefighters association president and Chief Kraus from Somers) and they
> said that the Fire and EMS Coalition met the previous week and adopted a
> motion to oppose including EMS in mutual aid such as the bill does. That
> was not to say that the coalition opposed the inclusion of EMS providers in
> the State Emergency plan section of the bill.

> I'm going to talk with those guys and the WEMSA ED about this further.

> I wasn't aware that the Coalition had met and taken a position. I'll track
> down the info and follow up. When do you think Org might want this for the
> calendar?

> -----Original Message-----

> From: Gilbert, Melissa [mailto:Melissa.Gilbert@legis.state.wi.us]
> Sent: Monday, February 09, 2004 2:45 PM
> To: 'Terry Hottenroth'; 'Tom Liebe'
> Subject: FW: SB 120 amendment (Intrastate mutual aid agreements)

> Please review the attached amendment to SB 120 to make sure it address your
> concerns in regard to mutual aid. If so, we'll get it introduced so we're
> ready for the floor. Thanks!

>> -----Original Message-----

>> From: Northrop, Lori
>> Sent: Monday, February 09, 2004 12:37 PM
>> To: Sen.Brown
>> Subject: LRB 03a2151 Topic: Intrastate mutual aid agreements

>> The attached proposal has been jacketed for introduction.

*3/4/04
Leg Council
suggested*

Gilbert, Melissa

From: Hughes, Carolyn
Sent: Monday, March 08, 2004 4:50 PM
To: Sweet, Richard
Cc: Gilbert, Melissa
Subject: RE: SB 120 amendment

I just talked to someone in a public health department and they explained why the mutual aid was put in. Public health depts aren't listed in statutes at all and they are the ones who wanted this. Do we want to try and just include public health in the statutes for mutual some how and then do everyone else in a state of emergency? Not sure if this makes sense.

-----Original Message-----

From: Sweet, Richard
Sent: Monday, March 08, 2004 4:36 PM
To: Hughes, Carolyn
Cc: Gilbert, Melissa
Subject: RE: SB 120 amendment

Carolyn,

As we discussed on the phone, I think the following language could replace all of par. (b), which begins on page 5, line 24 and ends on page 6, line 15:

(b) If a request for assistance is made under par. (a), the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency if the responding agency meets the personnel and equipment requirements in the state plan under s. 166.03(2)(a)1. and if the responding agency requests payment of those costs.

This language would be in addition to the language in LRBa2640/1. However, I'm not sure why the material on page 5, lines 19 and 20 was deleted. As drafted, there is a reference on page 5, line 22 to "the requester", but the first reference to requesters up above is deleted, so it isn't clear who "the requester" refers to. You might want to leave in the material on page 5, lines 19 and 20 and just insert the new material before it.

As you requested, I cc'ed Missy on this.

Dick

-----Original Message-----

From: Hughes, Carolyn
Sent: Monday, March 08, 2004 3:21 PM
To: Sweet, Richard
Subject: SB 120 amendment

Dick,

Here is the engrossed version of SB 120 and our amendment. Can you make sure that this ensures that the mutual provisions only go into effect if the governor declares a statewide emergency? I think it does. Also, can you do a memo explaining what the amendment does? Thanks!

<< File: SB 120 engrossed.pdf >> << File: SB 120 amendment.pdf >>

Gilbert, Melissa

From: Hughes, Carolyn
Sent: Tuesday, March 09, 2004 3:40 PM
To: Gilbert, Melissa
Subject: FW: Senate Bill 120:

FYI

-----Original Message-----

From: WISGROUP1@aol.com [mailto:WISGROUP1@aol.com]

Sent: Tuesday, March 09, 2004 3:17 PM

To: Sauk Co. Sheriff; Stevem@co.polk.wi.us; vkbanta@mwt.net; jicardinal@charter.net; La Crosse Co. Sheriff

Cc: Pfaff, Shawn - Office of Governor Jim Doyle

Subject: Fwd: Senate Bill 120:

Carolyn:

Again, we are waiting to see the final draft before making any determination of that.

The ICS is a worthy concept proven to have significant value. The unknown is how this bill might be compatible with the sheriff's authority established in the Wisconsin constitution, case law, and the related legal responsibility of the sheriff to serve all citizens and taxpayers of each county. Add to this the possible tort liability issues and/or other delegation of powers and issues that may arise from an incident.

We look forward to seeing your final draft/s/. Thank you.

Jeff Wiswell

Gilbert, Melissa

From: Hughes, Carolyn
Sent: Tuesday, March 09, 2004 3:01 PM
To: 'WISGROUP1@aol.com'
Subject: RE: Senate Bill 120:

Are you going to actively oppose it?

-----Original Message-----

From: WISGROUP1@aol.com [mailto:WISGROUP1@aol.com]
Sent: Tuesday, March 09, 2004 2:59 PM
To: Carolyn.Hughes@legis.state.wi.us
Cc: rstammen@co.sauk.wi.us; Stevem@co.polk.wi.us; vkbanta@mwt.net; jicardinal@charter.net; weissenberger.mike@co.la-crosse.wi.us; Shawn.Pfaff@gov.state.wi.us
Subject: Re: Senate Bill 120:

Carolyn:

Thank you for your follow up on this.

As you know WSDSA cannot support SB 120 as engrossed. Pending this I cannot tell you what the position of the association might be on the bill as amended until we see the final language for any amendments, etc.

**Jeff Wiswell
WSDSA**



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE J.A. HINES

FROM: Richard Sweet, Senior Staff Attorney

RE: LRBa2771/1--Proposed Assembly Amendment to Engrossed 2003 Senate Bill 120 (Public Health Emergencies)

DATE: March 10, 2004

This memorandum summarizes the provisions of LRBa2771/1, a proposed Assembly amendment to Engrossed 2003 Senate Bill 120. Senate Bill 120 was introduced by the Joint Legislative Council based on the recommendations of the Special Committee on the Public Health System's Response to Terrorism and Public Health Emergencies. The bill generally relates to public health emergencies.

LRBa2771/1 modifies the provisions of the engrossed bill that relate to mutual assistance to create two provisions on mutual assistance: (1) a provision that applies when there is no state of emergency declared by the Governor and that relates only to services of local health departments; and (2) a provision that applies only during a state of emergency declared by the Governor and that relates to services of emergency management programs, emergency medical services programs, fire departments, and local health departments.

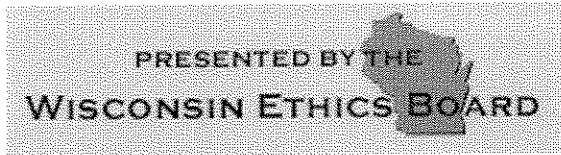
The first provision relates to mutual assistance involving *local health departments*. This provision does not apply during a state of emergency declared by the Governor, since that situation is governed by the provision described in the next paragraph. Under the amendment, upon the request of a local health department, the personnel of any other local health department may assist the requester within the requester's jurisdiction, notwithstanding any other jurisdictional provision. If a request for assistance is made, payment for the requested services is made by one of the following methods: (1) if there is an agreement between the parties under the intergovernmental cooperation statute, or any other agreement between the parties, for the payment of services, the terms of the agreement are to be followed; or (2) if there is no such agreement, the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency if the responding agency requests payment of those costs.

The second provision, which relates to mutual assistance during a *state of emergency declared by the Governor*, states that upon the request of a city, village, town, or county, or a person acting under an incident command system, the personnel of any emergency management program, emergency medical services program, fire department, or local health department may assist the requester within the requester's jurisdiction, notwithstanding any other jurisdictional provision. If a request for assistance is made under this provision, the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency if the responding agency meets personnel and equipment requirements in the state plan of emergency management and if the responding agency requests payment of those costs.

Feel free to contact me if I can be of further assistance.

RNS:jal:rv

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- ▶ Lobbyists



as of Friday, February 27, 2004

2003-2004 legislative session

Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

- Text, Sponsors and Analysis
- Status and Fiscal Estimate
- Lobbying Effort on this item

Senate Bill 120

creating a public health council, reimbursement for quarantine costs, intrastate mutual aid, requiring use of the incident command system in an emergency, exemption from liability during a state of emergency, threats to release or disseminate harmful chemical, biological, or radioactive substances, making appropriations, and providing a penalty

Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
●	●	Kenosha County	4/23/2003	↑	☺
●	●	Professional Firefighters of Wisconsin Inc	4/18/2003	?	
●	●	Wisconsin Association of Local Health Departments and Boards	7/25/2003	↑	☺
●	●	Wisconsin Counties Association	10/31/2003	↑	
●	●	Wisconsin Dental Association	2/6/2004	↑	
●	●	Wisconsin Medical Society	2/5/2004	?	
●	●	Wisconsin Nurses Association	5/30/2003	↑	
●	●	Wisconsin Professional Police Association	5/14/2003	?	
●	●	Wisconsin Regional Response Team Network	4/28/2003	?	

Select a legislative proposal and click "go"

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Proposal Number (enter proposal number)

Legislative Session



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

FOR IMMEDIATE RELEASE
March 12, 2004

For more information, contact:
Sen. Ron Brown – 608-266-8546
Rep. J.A. Hines – 608-266-7746

Legislature Strengthens Emergency Response Capabilities *Bill Helps State, Local Agencies Address Public Health Crises*

Madison... Wisconsin's ability to respond to terrorist acts and other public health emergencies would be bolstered under a measure passed today by the state Senate. Sen. Ron Brown (R-Eau Claire) and Rep. J.A. Hines (R-Oxford) immediately called for gubernatorial approval of Senate Bill 120, which creates intrastate mutual aid guidelines for emergency response agencies and guarantees quarantine reimbursements to local health departments, among other provisions.

Brown, who chairs the Senate homeland security committee, said the bill closes gaps in the state's ability to respond to natural disasters and other crisis situations. The former fire chief noted that the measure requires all public safety agencies to coordinate their efforts under an incident command system (ICS) when emergencies occur and requires the state to provide training in an ICS to local officials.

"When disaster strikes, the public cannot afford a confused response. Everyone involved needs to know his or her role in order to alleviate the crisis as quickly as possible," Brown said. "Fire services have used the ICS system for years and know firsthand the benefit to this type of emergency management."

Hines, who heads the Assembly public health committee, pointed out that the measure also provides liability protection for individuals acting under the direction of the Department of Health and Family Services or a local health department during a governor-declared state of emergency. State law currently exempts from liability individuals acting under the direction of the governor, adjutant general or a local emergency management program.

"The last thing response workers need to think about during a state of emergency is a potential lawsuit," Hines said. "These individuals need to react according to their training, not according to fear of what could go wrong."

The bill also provides a framework for the provision of intrastate mutual aid by public health and fire departments during any crisis requiring a multi-jurisdictional response, as well as by emergency medical services and emergency management agencies during a declared emergency. In addition, the measure enables local health departments to receive payment from the state for providing security and disease testing during a quarantine and establishes in statute a committee to advise DHFS and the legislature on the coordination of responses to public health emergencies.

Most of the bill's provisions represent the recommendations of a 2002 legislative study committee appointed to review the state's public health system. Brown and Hines guided the legislation through their respective houses after working to secure compromise with the affected emergency response agencies.

Talking Points – Public Health Emergency Response (SB 120)

Drafted as result of Joint Legislative Council 2002 Special Committee on Public Health System's Response to Terrorism and Public Health Emergencies

Final Version As Approved by Senate and Assembly

5 Provisions

- Creates Public Health Council in Department of Health and Family Services
 - Purpose: monitor implementation of state's 10-year health plan and coordination of response to public health emergencies
 - 23 members
 - representation includes health care providers, local health departments and boards, American Indian tribes, other stakeholders in public health
 - Current law: 33-member, non-statutory advisory committee (could be disbanded by DHFS)

- Reimbursement for Quarantine Costs
 - Requires state to reimburse local health departments for expense of quarantining persons outside their homes during declared state of emergency related to public health if departments not reimbursed by feds
 - Current law: local health departments pay for security, disease testing

- Intrastate Mutual Aid
 - Establishes statewide system of mutual aid for local health departments and fire departments in most emergency situations
 - Allows personnel of one jurisdiction to respond to request for help from another jurisdiction
 - Existing mutual aid agreements take precedence in relation to payment to the responding agency
 - If no mutual aid agreement exists, requesting agency pays responding agency if responding agency requests payment
 - Establishes statewide system of mutual aid for local health departments, fire departments, emergency management programs and emergency medical services (EMS) during governor-declared state of emergency
 - Allows personnel of one jurisdiction to respond to request for help from another jurisdiction

- Requesting agency pays responding agency if responding agency requests payment
 - Payment limited to reimbursement requesting agency can received from federal government, state government or another third party (example: insurance company)
 - State plan of emergency must specify equipment and personnel standards
 - Current law: Various mutual aid laws for different types of agencies
 - law enforcement authorized to enter into mutual aid pacts with other police departments in state or adjacent to state
 - personnel providing assistance considered employees of requesting agency
 - fire departments, EMS, public health and emergency management programs may operate under mutual aid but no specific statutory provision
 - although fire department mutual aid referenced in administrative code
- Incident Command System (ICS)
 - Creates uniform definition of ICS in statutes
 - Functional management system established to control/ direct/ manage roles and responsibilities of responding agencies
 - Requires all emergency response agencies, including local health departments, to use ICS during state or local declared emergency
 - Adjutant General (Department of Military Affairs) must specify type of ICS to be used and provide training on ICS to local officials and employees
 - Current law: various provisions concerning ICS
 - Department of Commerce rules require fire departments to utilize ICS
 - Department of Natural Resources rules require ICS for response to hazardous discharge response
 - State Emergency Operation Plan (EOP) requires use of ICS in “disaster response” and directs Wisconsin Emergency Management (WEM) to support ICS at local level
 - Does not define ICS or who must use it
- Exemption from Liability

- Extends exemption from liability to person providing equipment or services under direction of DHFS or local health department acting as agent of DHFS if DHFS serves as lead agency in addressing public health emergency
- Current law: exemption from liability applies if person provides equipment or services under direction of governor, Adjutant General or local emergency management agency

Rationale

- Closes several perceived gaps in ability to respond to public health emergencies in state
 - Ex. terrorism
- Worked with many different stakeholder groups to address concerns in original bill
 - Wisconsin Association of Local Health Departments and Boards
 - Wisconsin State Fire Chiefs Association
 - Wisconsin EMS Association

Talking Points – Assembly Amendment to SB 120

Changes from SB 120 as engrossed by Senate:

- Removes emergency medical services (EMS) and emergency management programs from general mutual aid provisions in bill
 - Rationale: Wisconsin EMS Association requested removal from mutual aid provisions, other than mutual aid during declared states of emergency; unclear whether emergency management programs wish to be included

- Specifies that if a state of emergency is declared, a fire department, public health department, emergency management program or EMS program responding to a request for assistance cannot charge the requesting agency more than the requesting agency can be reimbursed by the federal government, state government or another third party (example: insurance company)
 - Rationale: Some small departments fear that in the case of a catastrophic event, they may be charged more than they can afford to pay



James M. Ryder, M.P.H.
Department Director

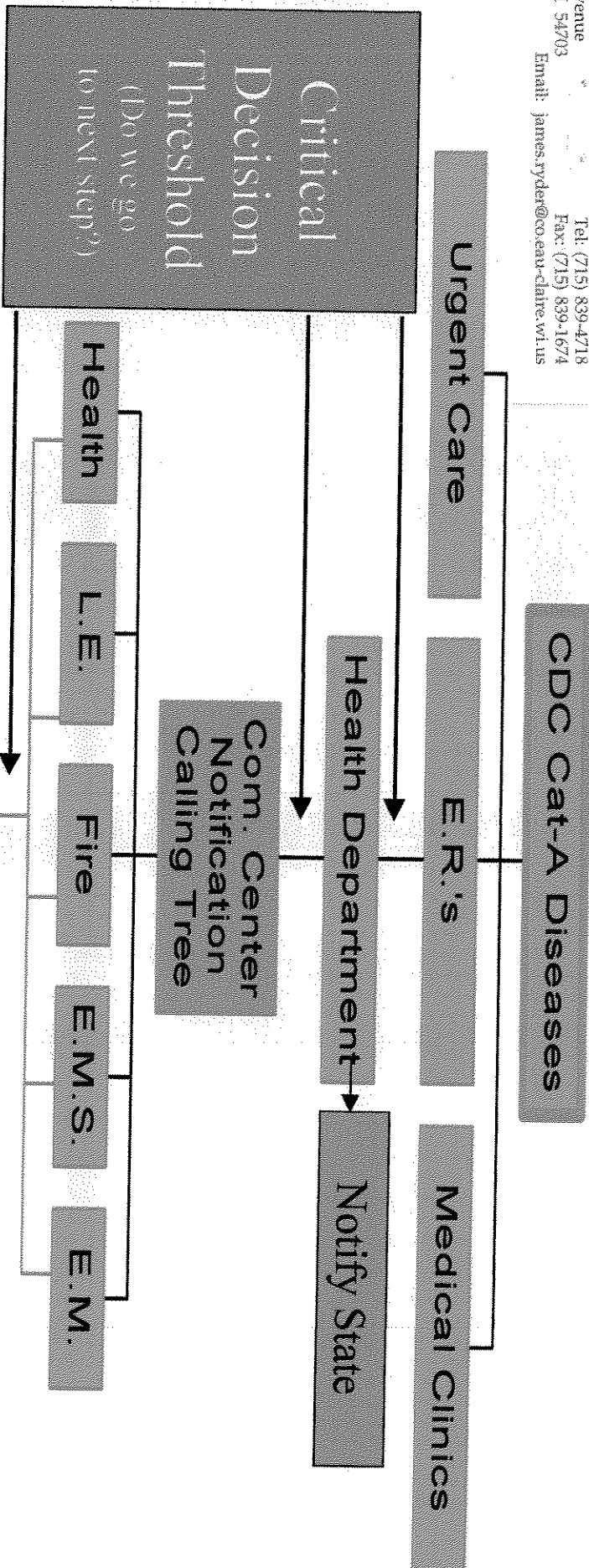
720 Second Avenue
Eau Claire, WI 54703
Tel: (715) 839-4718
Fax: (715) 839-1674
Email: james.ryder@co.eau-claire.wi.us

Eau Claire(WI) City-County

Bioterrorism Preparedness Committee

Biological Agent Event

Phase I ©



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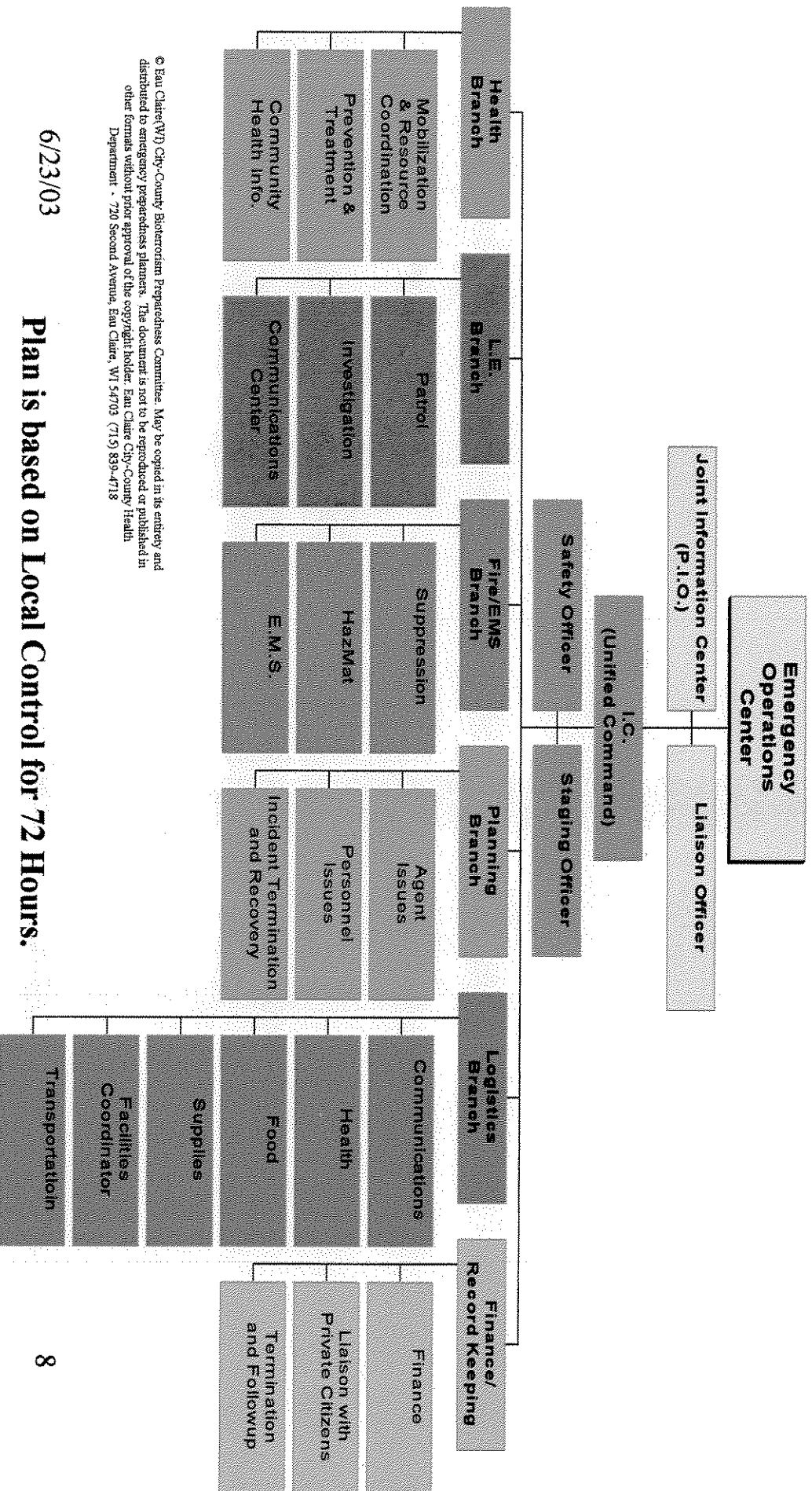
6/23/03

Eau Claire (WI) City-County

Bioterrorism Preparedness Committee

Biological Agent Event

Phase II



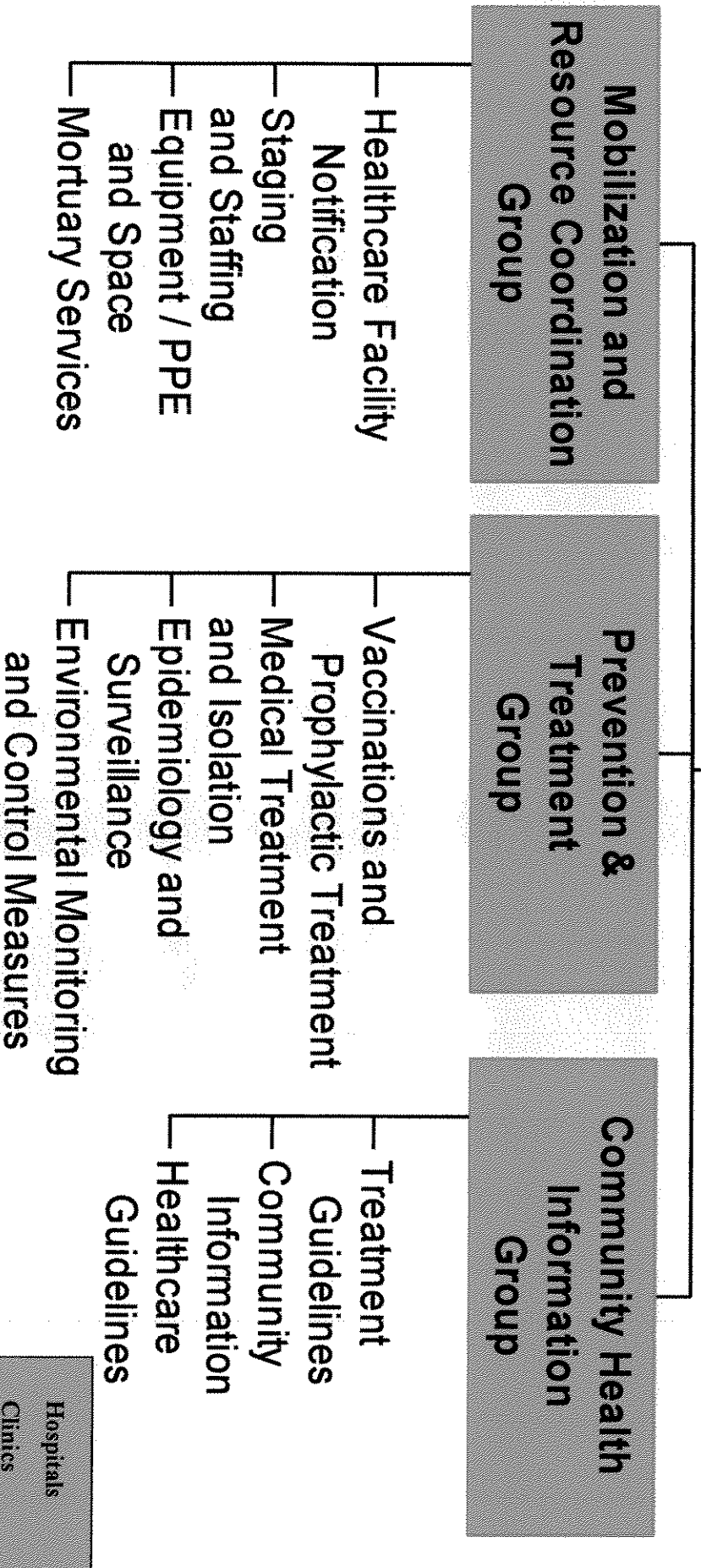
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6/23/03

Plan is based on Local Control for 72 Hours.

Health

Health Branch



Hospitals
Clinics
Public Health
Mental Health
Pharmacy
Lab

6/23/03

Plan is based on Local Control for 72 Hours.

DHFS Position Paper on Senate Bill 120

- DHFS notes that tribal health entities are not referenced in any of the following measures and questions whether tribal reference is necessary or appropriate.
- This bill refers to DHFS as the “public health authority” during a declared state of emergency when DHFS is designated as the lead agency. The bill also notes that DHFS has the authority to confer agent status on a local health department during such an emergency. DHFS notes that the department already has these authorities without a declared state of emergency.

Public Health Council

DHFS believes this council is not necessary. DHFS already has a Public Health Advisory Committee (PHAC) in existence to advise DHFS on the implementation of the 10-year public health plan. Also, a Joint CDC/HRSA Advisory Committee exists to advise DHFS on the implementation of its federal Hospital and Public Health Bioterrorism Preparedness Grants. This group will be adjusted soon to also act as the advisory body for the federal Homeland Security Preparedness Grant being administered by OJA. Such a committee is required each of these three grants. The council proposed by this bill would not have sufficient representation to satisfy the requirements of the grants.

Reimbursement for Quarantine Costs

DHFS supports this measure, but points out that reimbursement is limited to expenses incurred in quarantining a person outside his or her home. The recent SARS outbreak in Ontario showed that most people involved were contacts who were quarantined inside their homes. There would be costs attributable to local health departments in ensuring and monitoring home isolation, including costs of home medical visits, buying people groceries, hiring/contracting for additional staff, etc.

Intrastate Mutual Aid

DHFS supports the establishment of a statewide system of mutual aid for emergency management programs, emergency medical services (EMS) programs, fire departments, and local health departments. However, because of the current federal FEMA policy that allows reimbursement only to the agencies or jurisdictions affected by the emergency, DHFS recommends that legislators consider changing this bill so that the requesting agency (not the responding agency) is responsible for the personnel-related costs incurred in providing the assistance. Language from the draft bill LRB-1513/5 should be considered for this measure. wickcuts Bill.

Incident Command System

DHFS supports this measure, but suggests that the term “Incident Command System” be changed to “Incident Management System” to align with terminology used at the federal level (e.g., the National Incident Management System or NIMS). Also, DHFS notes that under this bill the system is only required during a declared emergency.

Exemption From Liability

DHFS supports this measure.

Chemical, Biological, or Radioactive Substance Threats

DHFS supports this measure.

Governor Jim Doyle
 Maj. Gen. Albert Wilkening
 The Adjutant General
 Ed Gleason, Administrator
 Vol. 13, Issue No. 2 March/April 2004



WEM Digest

Issues and Events for Wisconsin's Emergency Management

Rain and rapid snow melt cause raging floodwaters

-Gov. declares State of Emergency, orders Guard help

Officials in Antigo are calling it the worst flooding in over 40 years as heavy rains and rapid snow melt caused the Spring Brook to overflow its banks and become a raging river.

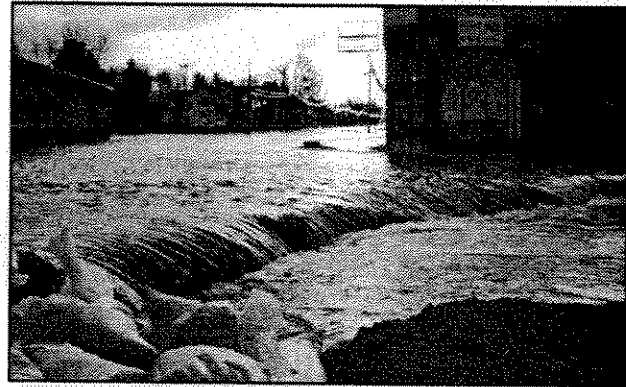
The flooding began on the weekend of March 27. Governor Doyle declared a State of Emergency for Langlade County. He also authorized 30 National Guard soldiers to assist with perimeter security, evacuations and sandbags. The Guard brought in heavy trucks and Humvees that proved to be a great resource.

Many families were evacuated. About 100

homes and 40 businesses were impacted by the floodwaters. Both the Salvation Army and the American Red Cross provided assistance. The Red Cross opened emergency shelters for the evacuees.

The flood waters began to recede quickly as cooler overnight temperatures and sunshine helped. Most evacuated residents were able to go back to their homes within a few days.

None of the homes or businesses in Antigo were washed away or destroyed. Most homes impacted had flooded basements. Flood damage was mainly limited to appliances such



These sandbags were no match for the raging floodwaters in downtown Antigo on March 28, 2004.

Picture by Langlade County Emergency Management

as hot water heaters, furnaces, and washers and dryers.

Marinette County also experienced scattered flooding in the southern portion of the county. The flooding was also caused

by the combination of heavy rains and rapid snow melt. Officials say a few days prior to the flooding there was up to 30 inches of snow on the ground, but

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Governor signs mutual aid bill

*By Randi Wind-Milsap
 DMA Legal Counsel*

Governor Doyle signed legislation that promotes intra-state mutual aid among various emergency response groups in Wisconsin.

Senate Bill 120 establishes a statewide system of mutual aid assistance for emergency management, fire departments, EMS, tribes, and public health departments. For many years, law enforcement agencies have been allowed to enter into mutual aid agreements with other law enforcement agencies in the state.

Law enforcement officers providing assistance are considered employees of the law enforcement agency that requested the help.

This system has been used in many emergencies. In recent years, law enforcement mutual aid was used following the Siren Tornado in 2001 and Ladysmith Tornado in 2002. Law enforcement from surrounding communities and counties provided a variety of assistance including dispatching, traffic control and security.

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Governor Doyle was surrounded by supporters of the legislation as he signed SB 120. Photo by Shawn Pjoff

A busy spring at WEM

A Successful Governor's Conference

I want to thank all of those who attended the Governor's Conference on Emergency Management and Homeland Security. We had over 500 + in attendance and it was a great opportunity to sharpen the saw and learn more about emergency management and homeland security issues.

The President taking a few moments to praise the work of Wisconsin's first responders was very much appreciated and reflects the important work you all do to keep our nation safe.

This marked the fourth year we have held the conference at the Paper Valley Hotel in Appleton. This facility has been a gracious host and has worked very hard to meet our needs. We are appreciative of their efforts during this time.

Next year the Conference moves to the Grand Geneva Resort in Lake Geneva. The Conference will be April 5-6, 2005. We look forward to seeing you there.

Governor signs Intra-state Mutual Aid Legislation

On April 7, Governor Doyle signed Senate Bill 120 that among other things, strengthens our public health system during times of emergencies and also establishes a statewide system of mutual aid for emergency management programs, emergency medical services, fire departments, and local health departments.

The legislation also requires the use of Incident Command System

(ICS) in managing emergencies and training of specified personnel in ICS. All of these measures will further advance Wisconsin's terrorism preparedness efforts.

Much of the credit goes to Senator Judith Robson (Beloit) who has championed this legislation and Senator Ron Brown (Eau Claire) whose committee had oversight of this legislation.

Tornado and Severe Weather Awareness Week

April 19-23, 2004 is Wisconsin's Tornado and Severe Weather Awareness Week. There were 14 reported tornadoes in 2003 and on average we experience 21 tornadoes each year. In addition to these devastating storms, high winds, lightening, hail and flooding normally accompany severe weather.

Please take the time to raise the awareness of these storms and encourage your citizens to take preparedness steps so they will be ready when a storm strikes.

Farewell to Deputy Administrator Al Shanks

On May 1, Al Shanks will be stepping down and retiring from Wisconsin Emergency Management. He is completing a career rich in service to the citizens of Wisconsin.

Al began his career in law enforcement as a patrol officer with the Sauk County Sheriff's Department and was elected sheriff and served from 1975-1987. He has been with WEM as Emergency Police Services Deputy Director and then Bureau



WEM Administrator Ed Gleason presents WEM Deputy Administrator Al Shanks with the Level 4 Emergency Management Certification at the Governor's Conference on Emergency Management and Homeland Security. Al is retiring after 40 years of public service.

Chief of Response and Recovery. In addition, in his spare time he has served as president on the Sauk Prairie School Board, Fire Chief of Merrimac Fire Department, and president of the village of Merrimac. We thank him for his dedicated service and wish him fair winds and following seas in the years ahead.

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