

November 12, 2008

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** emergency management, succession of public offices, and
2 liability and licensure of emergency volunteers.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 16.61 (3) (d) of the statutes is renumbered 16.61 (3) (d) (intro.) and
4 amended to read:

5 16.61 (3) (d) Shall establish a system for the protection and preservation of
6 essential public records as directed by s. 166.10. that are necessary to the continuity
7 of governmental functions in the event of an enemy action, disaster, as defined in s.
8 323.02 (7), or the imminent threat of a disaster, and in establishing the system shall
9 do all of the following:

10 SECTION 2. 17.025 (4) (c) of the statutes is amended to read:

1 17.025 (4) (c) *Secretary of state; state treasurer*: When the temporary vacancy
2 exists in the office of secretary of state or in the office of state treasurer, the duties
3 of the office shall be assumed, respectively, by the first emergency interim successor
4 designated under s. 166.08 (4) or, if no such designation has been made for the
5 respective office, then by a deputy appointed by the governor.

6 **History:** 1971 c. 40 s. 93; 1975 c. 332; 1977 c. 196 s. 131; 1977 c. 449; 1979 c. 361 s. 113; 1983 a. 192; 1991 a. 316; 1995 a. 27 s. 9145 (1); 1997 a. 27.

6 **SECTION 3. 20.370 (3) (ma) of the statutes is amended to read:**

7 **20.370 (3) (ma) General program operations — state funds.** From the general
8 fund, the amounts in the schedule for regulatory and enforcement operations under
9 chs. 30, 31 and 280 to 299 and ss. 44.47, 59.692, 59.693, 61.351, 61.354, 62.231,
10 62.234 and 87.30, for reimbursement of the conservation fund for expenses incurred
11 for actions taken under s. ~~166.04~~ 323.12 (2) (c); for review of environmental impact
12 requirements under ss. 1.11 and 23.40; and for enforcement of the treaty–based,
13 off–reservation rights to fish, hunt and gather held by members of federally
14 recognized American Indian tribes or bands.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97.

15 **SECTION 4. 20.370 (3) (mu) of the statutes is amended to read:**

16 **20.370 (3) (mu) General program operations — state funds.** The amounts in
17 the schedule for law enforcement operations under ss. 23.09 to 23.11, 90.21, and
18 ~~166.04~~ 323.12 (2) (c) and chs. 29, 30, and 169 and for review of environmental impact
19 requirements under ss. 1.11 and 23.40.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97.

1 **SECTION 5.** 20.465 (1) (h) of the statutes is amended to read:

2 20.465 **(1)** (h) *Intergovernmental services.* The amounts in the schedule to
3 provide services to local units of government for fire, crash and rescue emergencies
4 and to provide assistance under s. ~~166.30~~ 323.90. All moneys received from local
5 units of government for services provided for fire, crash, and rescue emergencies and
6 as reimbursement from other states and territories for any losses, damages, or
7 expenses incurred when units or members of the Wisconsin national guard are
8 activated in state status to provide assistance under s. ~~166.30~~ 323.90 shall be
9 credited to this appropriation.

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

10 **SECTION 6.** 20.465 (3) (b) of the statutes is amended to read:

11 20.465 **(3)** (b) *Major disaster assistance.* The amounts in the schedule to
12 provide payments under s. ~~166.03 (2) (b) 9.~~ 323.31 for damages and costs incurred
13 as the result of a major disaster.

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

14 **SECTION 7.** 20.465 (3) (dd) of the statutes is amended to read:

15 20.465 **(3)** (dd) *Regional emergency response teams.* The amounts in the
16 schedule for payments to regional emergency response teams under s. ~~166.215 (1)~~
17 323.80 (2).

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

18 **SECTION 8.** 20.465 (3) (dp) of the statutes is amended to read:

19 20.465 **(3)** (dp) *Emergency response equipment.* The amounts in the schedule
20 for grants for the costs of computers and emergency response equipment under s.
21 ~~166.21 (2) (br)~~ 323.71 (2) (br).

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

1 **SECTION 9.** 20.465 (3) (dr) of the statutes is amended to read:

2 20.465 (3) (dr) *Emergency response supplement.* As a continuing
3 appropriation, the amounts in the schedule to be used for response costs of a regional
4 emergency response team that are not reimbursed under s. ~~166.215 (2) or (3)~~ 323.80
5 (3) and (4) and for response costs of a local agency that are not reimbursed under s.
6 ~~166.22 (4)~~ 323.80 (4).

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

7 **SECTION 10.** 20.465 (3) (e) of the statutes is amended to read:

8 20.465 (3) (e) *Disaster recovery aid; public health emergency quarantine costs.*
9 A sum sufficient to pay the state share of grants to individuals, to make payments
10 to local governments as defined in 42 USC 5122 (6) under federal disaster recovery
11 programs as authorized in s. ~~166.03 (2) (b) 8.~~ 323.30, and to reimburse local health
12 departments under s. 252.06 (10) (c) 2.

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

13 **SECTION 11.** 20.465 (3) (f) of the statutes is amended to read:

14 20.465 (3) (f) *Civil air patrol aids.* The amounts in the schedule to provide
15 assistance to the civil air patrol under s. ~~166.03 (2) (a) 5~~ 323.13 (1).

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

16 **SECTION 12.** 20.465 (3) (g) of the statutes is amended to read:

17 20.465 (3) (g) *Program services.* The amounts in the schedule for conferences,
18 training and other services provided by the division of emergency management and
19 for expenses incurred under s. ~~166.03 (2) (b) 6. and 7~~ 323.13 (2) (f) and (g). All moneys
20 received for conferences, training and other services provided by the division of
21 emergency management shall be credited to this appropriation. All moneys received

1 from assessments and contributions under s. ~~166.03 (2) (b) 6. and 7~~ 323.13 (2) (f) and
2 (g) shall be credited to this appropriation.

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

3 **SECTION 13.** 20.465 (3) (h) of the statutes is amended to read:

4 20.465 (3) (h) *Interstate emergency assistance.* The amounts in the schedule
5 to provide assistance under s. ~~166.30~~ 323.90. All moneys received under s. ~~166.30~~
6 ~~(9)~~ 323.90 (9) as reimbursement from other states and territories for any losses,
7 damages, or expenses incurred when the division of emergency management
8 provides assistance under s. ~~166.30~~ 323.90 shall be credited to this appropriation
9 account.

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

10 **SECTION 14.** 20.465 (3) (i) of the statutes is amended to read:

11 20.465 (3) (i) *Emergency planning and reporting; administration.* From the
12 moneys received by the division of emergency management from fees assessed under
13 s. ~~166.20 (7)~~ 323.70 (7), the amounts in the schedule for emergency planning,
14 notification and response and reporting activities under s. ~~166.20~~ 323.70 and
15 administration of the grant program under s. ~~166.21~~ 323.71.

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

16 **SECTION 15.** 20.465 (3) (jm) of the statutes is amended to read:

17 20.465 (3) (jm) *Division of emergency management; emergency planning*
18 *grants.* All moneys received by the division of emergency management from fees
19 assessed under s. ~~166.20 (7)~~ 323.70 (7), except moneys appropriated under par. (i) for
20 the payment of grants under s. ~~166.21~~ 323.71, except grants under s. ~~166.21 (2) (b)~~
21 ~~(r)~~ 323.71 (2) (br).

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

1 **SECTION 16.** 20.465 (3) (jt) of the statutes is amended to read:

2 20.465 **(3)** (jt) *Regional emergency response reimbursement.* All moneys
3 received by the division of emergency management under s. ~~166.215 (3)~~ ~~323.80 (4)~~
4 for reimbursement of regional emergency response teams under s. ~~166.215 (2)~~ 323.80
5 (3).

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

6 **SECTION 17.** 20.465 (3) (r) of the statutes is amended to read:

7 20.465 **(3)** (r) *Division of emergency management; petroleum inspection fund.*
8 From the petroleum inspection fund, the amounts in the schedule for the payment
9 of emergency planning grants under s. ~~166.21~~ 323.71.

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200.

10 **SECTION 18.** 23.114 (1) (c) of the statutes is amended to read:

11 23.114 **(1)** (c) Paragraph (b) does not apply to a state of emergency declared by
12 the governor under s. ~~166.03~~ 323.12 and does not supersede the authority of the
13 department of agriculture, trade and consumer protection under ch. 94.

History: 2005 a. 166.

14 **SECTION 19.** 50.36 (3d) (a) 1. of the statutes is amended to read:

15 50.36 **(3d)** (a) 1. The health care provider seeks to provide care at the hospital
16 during a period of a state of emergency related to public health declared by the
17 governor under s. ~~166.03 (1) (b) 1~~ 323.10.

History: 1971 c. 211; 1975 c. 383 s. 4; 1975 c. 413 ss. 4, 18; 1975 c. 421; Stats. 1975 s. 50.36; 1977 c. 29; 1979 c. 34; 1981 c. 135; 1985 a. 340; 1989 a. 37; 1991 a. 129; 1993 a. 16, 30, 270; 1995 a. 27 ss. 3245, 3246, 9116 (5); 1997 a. 175; 1999 a. 9; 2001 a. 109; 2007 a. 20, 104.

18 **SECTION 20.** 59.54 **(8)** (a) 1. of the statutes is amended to read:

19 59.54 **(8)** (a) 1. Create a local emergency planning committee, with members
20 as specified in 42 USC 11001 (c), which shall have the powers and the duties

1 established for such committees under 42 USC 11000 to 11050 and under ss. ~~166.20~~
2 323.70 and ~~166.21~~ 323.71.

History: 1995 a. 201 ss. 146 to 149, 154 to 156, 159, 160, 162, 175 to 177, 179, 180, 183, 191, 193, 210 to 213, 222, 226 to 228, 274, 283, 366, 403, 404; 1995 a. 448 s. 59; 1997 a. 27, 35; 2001 a. 16; 2003 a. 193; 2005 a. 90.

3 **SECTION 21.** 59.54 (8) (a) 3. of the statutes is amended to read:

4 59.54 (8) (a) 3. Within the availability of state funds, take all actions that are
5 necessary to ensure that the committee created under this paragraph properly
6 executes the duties of a local emergency planning committee under 42 USC 11000
7 to 11050 and under ss. ~~166.20~~ 323.70 and ~~166.21~~ 323.71.

History: 1995 a. 201 ss. 146 to 149, 154 to 156, 159, 160, 162, 175 to 177, 179, 180, 183, 191, 193, 210 to 213, 222, 226 to 228, 274, 283, 366, 403, 404; 1995 a. 448 s. 59; 1997 a. 27, 35; 2001 a. 16; 2003 a. 193; 2005 a. 90.

8 **SECTION 22.** 59.54 (8) (b) 2. of the statutes is amended to read:

9 59.54 (8) (b) 2. Implement programs and undertake activities which are
10 designed to prepare the county to cope with emergencies involving the accidental
11 release of hazardous substances and which are consistent with, but in addition to,
12 the minimum requirements of s. ~~166.20~~ 323.70 and 42 USC 11000 to 11050.

History: 1995 a. 201 ss. 146 to 149, 154 to 156, 159, 160, 162, 175 to 177, 179, 180, 183, 191, 193, 210 to 213, 222, 226 to 228, 274, 283, 366, 403, 404; 1995 a. 448 s. 59; 1997 a. 27, 35; 2001 a. 16; 2003 a. 193; 2005 a. 90.

13 **SECTION 23.** 60.24 (1) (e) 3. of the statutes is amended to read:

14 60.24 (1) (e) 3. Obtain necessary assistance, if available, in case of emergency,
15 except as provided under ch. ~~166~~ 323.

History: 1983 a. 532; 1985 a. 225; 1987 a. 197, 399; 1989 a. 336; 1997 a. 127, 192, 287; 1999 a. 150 ss. 10, 672; 2003 a. 214.

16 **SECTION 24.** 66.0312 (3) of the statutes is amended to read:

17 66.0312 (3) This section does not apply during a state of emergency declared
18 by the governor under s. ~~166.03 (1) (b) 1~~ 323.10.

History: 2003 a. 186.

19 **SECTION 25.** 66.03125 (3) of the statutes is amended to read:

20 66.03125 (3) This section does not apply during a state of emergency declared
21 by the governor under s. ~~166.03 (1) (b) 1~~ 323.10.

History: 2003 a. 186.

22 **SECTION 26.** 66.0314 (1) (a) of the statutes is amended to read:

1 66.0314 (1) (a) “Emergency management program” means the emergency
2 management program of a city, village, town, or county, under s. ~~166.03 (4) (a)~~ 323.16
3 (1) (a).

History: 2003 a. 186; 2007 a. 130.

4 **SECTION 27.** 66.0314 (2) (a) of the statutes is amended to read:

5 66.0314 (2) (a) If the governor declares a state of emergency under s. ~~166.03~~
6 ~~(1) (b) 1.~~ 323.10, upon the request of a city, village, town, or county, or a person acting
7 under an incident command system, the personnel of any emergency management
8 program, emergency medical services program, fire department, or local health
9 department may assist the requester within the requester’s jurisdiction,
10 notwithstanding any other jurisdictional provision.

History: 2003 a. 186; 2007 a. 130.

11 **SECTION 28.** 66.0314 (2) (b) 1. of the statutes is amended to read:

12 66.0314 (2) (b) 1. The responding agency meets the personnel and equipment
13 requirements in the state plan under s. ~~166.03 (2) (a) 1~~ 323.13 (1) (b).

History: 2003 a. 186; 2007 a. 130.

14 **SECTION 29.** 101.985 (2) (c) of the statutes is amended to read:

15 101.985 (2) (c) *Emergency licensing.* If the governor declares that a state of
16 emergency exists in this state under s. ~~166.03 (1) (b) 1.~~ 323.10, and the department
17 determines that the number of individuals in the state who hold elevator mechanic’s
18 licenses issued by the department under this section on the date of the declaration
19 is insufficient to cope with the emergency, the department shall summarily issue an
20 emergency elevator mechanic’s license to any individual who is certified by an
21 elevator contractor licensed under this subchapter as adequately qualified and able
22 to perform the work of an elevator mechanic without direct and immediate
23 supervision, who the department determines is so qualified and able, and who
24 applies for an emergency elevator mechanic’s license on a form prescribed by the

1 department. An individual certified by a contractor under this subdivision may
2 perform work as an elevator mechanic for up to a total of 5 days preceding the date
3 the individual is issued the license. An emergency elevator mechanic's license has
4 a term of 30 days and may be renewed by the department in the case of a continuing
5 emergency. The department shall specify on an emergency elevator mechanic's
6 license the geographic area in which the licensee may provide services under the
7 license. The requirements under par. (a) do not apply to an individual who applies
8 for an emergency elevator mechanic's license.

History: 2005 a. 456; 2007 a. 20, 96.

9 **SECTION 30.** 102.07 (7m) of the statutes is amended to read:

10 102.07 (7m) An employee, volunteer, or member of an emergency management
11 unit is an employee for purposes of this chapter as provided in s. ~~166.03 (8) (d)~~ 323.40,
12 a member of a regional emergency response team who is acting under a contract
13 under s. ~~166.215 (1)~~ 323.80 (2) is an employee of the state for purposes of this chapter
14 as provided in s. ~~166.215 (4)~~ 323.80 (5), and a behavioral health provider, health care
15 provider, pupil services provider, or substance abuse prevention provider who is
16 providing volunteer, unpaid behavioral health services, health care services, pupil
17 services, or substance abuse prevention services on behalf of a health care facility
18 during a state of emergency is an employee of the state for purposes of this chapter
19 as provided in s. 250.042 (4) (b).

History: 1975 c. 147 s. 54; 1975 c. 224; 1977 c. 29; 1979 c. 278; 1981 c. 325; 1983 a. 27, 98; 1985 a. 29, 83, 135; 1985 a. 150 s. 4; 1985 a. 176, 332; 1987 a. 63; 1989 a. 31, 64, 359; 1993 a. 16, 81, 112, 399; 1995 a. 24, 77, 96, 117, 225, 281, 289, 417; 1997 a. 35, 38, 118; 1999 a. 14, 162; 2001 a. 37; 2005 a. 96; 2007 a. 130.

20 **SECTION 31.** 102.475 (1) of the statutes is amended to read:

21 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement
22 officer, correctional officer, fire fighter, rescue squad member, diving team member,
23 national guard member or state defense force member on state active duty as
24 described in s. 102.07 (9) or if a deceased person is an employee or volunteer

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1 performing emergency management activities under ch. ~~166~~ 323 during a state of
2 emergency or a circumstance described in s. ~~166.04~~ 323.12 (2) (c), who sustained an
3 accidental injury while performing services growing out of and incidental to that
4 employment or volunteer activity so that benefits are payable under s. 102.46 or
5 102.47 (1), the department shall voucher and pay from the appropriation under s.
6 20.445 (1) (aa) a sum equal to 75% of the primary death benefit as of the date of death,
7 but not less than \$50,000 to the persons wholly dependent upon the deceased. For
8 purposes of this subsection, dependency shall be determined under ss. 102.49 and
9 102.51.

History: 1975 c. 274, 421; 1977 c. 29 ss. 1029m to 1029s, 1650; 1977 c. 48, 203, 418; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 325; 1983 a. 98, 189; 1985 a. 29; 1987 a. 63; 1991 a. 85; 1993 a. 81; 1995 a. 247; 1999 a. 14.

10 **SECTION 32.** 110.07 (1) (a) 1. of the statutes is amended to read:

11 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
12 chs. ~~166~~ 323, 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3)
13 (b), 167.31 (2) (b) to (d) and 287.81 and ch. 350 where applicable to highways, or
14 orders or rules issued pursuant thereto.

History: 1971 c. 40, 125; 1973 c. 90, 146; 1975 c. 297; 1977 c. 29 ss. 1048, 1654 (7) (a), (c), 1656 (43); 1977 c. 305 s. 64; 1977 c. 418; 1979 c. 221; 1979 c. 333 s. 5; 1979 c. 361 s. 113; 1981 c. 96 s. 67; 1981 c. 390; 1983 a. 27; 1983 a. 175 s. 33; 1983 a. 191 s. 6; 1985 a. 29, 36, 63, 332; 1987 a. 332 s. 64; 1989 a. 31, 167, 170, 240, 335, 359; 1993 a. 25; 1995 a. 201, 227, 341; 1999 a. 9, 85; 2001 a. 68, 109.

15 **SECTION 33.** 115.812 (3) (b) 1. of the statutes is amended to read:

16 115.812 (3) (b) 1. In this paragraph, “public agency” has the meaning given in
17 s. ~~166.20 (1) (i)~~ 323.70 (1) (i), except that it excludes a local educational agency.

History: 1997 a. 164; 2005 a. 258; 2007 a. 20.

18 **SECTION 34.** 157.055 (2) (intro.) of the statutes is amended to read:

19 157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3),
20 (3m), and (4), 979.02, and 979.10, and subch. VI of ch. 440, during a period of a state
21 of emergency related to public health declared by the governor under s. ~~166.03 (1) (b)~~
22 ~~1.~~ 323.10, a public health authority may do all of the following:

History: 2001 a. 109; 2005 a. 31.

23 **SECTION 35.** Chapter 166 (title) of the statutes is repealed.

1 **SECTION 36.** 166.01 of the statutes is renumbered 323.01 (1) and amended to
2 read:

3 **323.01 Declaration of policy. (1)** To prepare the state and its subdivisions
4 to cope with emergencies resulting from an enemy action ~~and natural or man-made~~
5 ~~disasters, a disaster, or the imminent threat of a disaster,~~ it is declared to be
6 necessary to establish an organization for emergency management, conferring upon
7 the governor and others specified the powers and duties provided by this chapter.

8 **History:** 1979 c. 361 s. 52; 1995 a. 247.

8 **SECTION 37.** 166.02 (intro.) of the statutes is renumbered 323.02 (intro.).

9 **SECTION 38.** 166.02 (1g) of the statutes is renumbered 323.02 (1).

10 **SECTION 39.** 166.02 (1m) of the statutes is renumbered 323.02 (2).

11 **SECTION 40.** 166.02 (1p) of the statutes is renumbered 323.02 (3).

12 **SECTION 41.** 166.02 (1r) of the statutes is renumbered 323.02 (4).

13 **SECTION 42.** 166.02 (1t) of the statutes is renumbered 323.02 (5).

14 **SECTION 43.** 166.02 (2) of the statutes is repealed.

15 **SECTION 44.** 166.02 (3) of the statutes is renumbered 323.02 (6).

16 **SECTION 45.** 166.02 (4) of the statutes is renumbered 323.02 (8) and amended
17 to read:

18 323.02 **(8)** “Emergency management” ~~includes “civil defense” and~~ means all
19 measures undertaken by or on behalf of the state and its subdivisions to do any of
20 the following:

21 (a) ~~To prepare~~ Prepare for and minimize the effect of an enemy action and
22 ~~natural or man-made, a disaster upon the civilian population, or the imminent~~
23 threat of a disaster.

1 (b) ~~To effectuate emergency~~ Make repairs to, or the emergency restoration of,
2 ~~vital public utilities and facilities~~ restore infrastructure or critical systems that are
3 ~~destroyed or damaged by such~~ an enemy action or a disaster.

History: 1979 c. 361 ss. 54, 73; 1989 a. 31; 1995 a. 247; 2001 a. 109; 2003 a. 186; 2005 a. 269; 2007 a. 20 s. 9121 (6) (a).

4 **SECTION 46.** 166.02 (5) of the statutes is renumbered 323.02 (9) and amended
5 to read:

6 323.02 (9) “Enemy action” means hostile action by a foreign power ~~which~~ that
7 ~~threatens the security of this state or a portion thereof~~ of this state.

History: 1979 c. 361 ss. 54, 73; 1989 a. 31; 1995 a. 247; 2001 a. 109; 2003 a. 186; 2005 a. 269; 2007 a. 20 s. 9121 (6) (a).

****NOTE: 1. Do we need to reference “enemy action” throughout the chapter, or does “disaster” cover all relevant scenarios? One difference is that a disaster is a severe or prolonged occurrence, whereas an “enemy action” need not be severe or prolonged. 2. If the Committee retains references to “enemy action” should “enemy action” include hostile actions by domestic actors?

8 **SECTION 47.** 166.02 (6m) of the statutes is renumbered 323.02 (10).

9 **SECTION 48.** 166.02 (6r) of the statutes is renumbered 323.02 (16).

10 **SECTION 49.** 166.02 (6u) of the statutes is repealed.

11 **SECTION 50.** 166.02 (7) of the statutes is renumbered 323.02 (19).

12 **SECTION 51.** 166.02 (8) of the statutes is renumbered 323.02 (20).

13 **SECTION 52.** 166.03 (title) of the statutes is repealed.

14 **SECTION 53.** 166.03 (1) (intro.) and (a) (intro.) of the statutes are repealed.

15 **SECTION 54.** 166.03 (1) (a) 1. of the statutes is renumbered 323.12 (1) (a).

16 **SECTION 55.** 166.03 (1) (a) 2. of the statutes is renumbered 323.12 (1) (b).

17 **SECTION 56.** 166.03 (1) (a) 3. of the statutes is renumbered 323.12 (3) and
18 amended to read:

19 323.12 (3) DUTIES DURING AN EMERGENCY. ~~Employ~~ During a state of emergency
20 declared under s. 323.10, the governor shall enlist the assistance of the division of

1 emergency management during a state of emergency proclaimed by him or her, issue
2 orders, and delegate such authority as is deemed necessary to the administrator.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

3 **SECTION 57.** 166.03 (1) (a) 4. of the statutes is renumbered 323.12 (1) (c) and
4 amended to read:

5 323.12 (1) (c) Determine responsibilities of state departments and independent
6 agencies ~~in~~ with respect to emergency management and by order direct such
7 departments and agencies in utilizing personnel, facilities, supplies, and equipment
8 before and during a state of emergency.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

9 **SECTION 58.** 166.03 (1) (b) (intro.) and 1. of the statutes are consolidated,
10 renumbered 323.10 and amended to read:

11 **323.10** The governor may:

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

12 ~~1. Proclaim~~ issue an executive order declaring a state of emergency for the state
13 or any portion of the state if he or she determines that an emergency resulting from
14 an enemy action or natural or man-made, a disaster, or the imminent threat of a
15 disaster exists. If the governor determines that a public health emergency exists, he
16 or she may declare issue an executive order declaring a state of emergency related
17 to public health for the state or any portion of the state and may designate the
18 department of health services as the lead state agency to respond to that emergency.
19 ~~The duration of such~~ A state of emergency resulting from an enemy action shall not
20 exceed 60 days ~~as to emergencies resulting from enemy action or, and any other state~~
21 of emergency shall not exceed 30 days as to emergencies resulting from natural or
22 man-made disaster, unless either the state of emergency is extended by joint

1 resolution of the legislature. A copy of the ~~proclamation~~ executive order shall be filed
2 with the secretary of state. The ~~proclamation~~ executive order may be revoked at the
3 discretion of either the governor by ~~written~~ executive order or the legislature by joint
4 resolution.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

****NOTE: Does the Committee want to keep the 30 day/60 day distinction for the maximum duration of a state of emergency?

5 **SECTION 59.** 166.03 (1) (b) 2. of the statutes is renumbered 323.12 (2) (a).

6 **SECTION 60.** 166.03 (1) (b) 3. of the statutes is renumbered 323.12 (2) (b) and
7 amended to read:

8 323.12 (2) (b) Accept from any source gifts and grants including services for
9 emergency management purposes and may authorize state, county, town, and
10 municipal officers to receive such gifts and grants. When grants require ~~county, town~~
11 ~~or municipal~~ participation by a local unit of government, the state may transfer title
12 to equipment acquired through such agreement to participating ~~counties, towns and~~
13 ~~municipalities~~ local units of government.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

14 **SECTION 61.** 166.03 (1) (b) 4. of the statutes is renumbered 323.12 (4) (a) and
15 amended to read:

16 323.12 (4) (a) ~~During a state of emergency, declare~~ Declare priority of
17 emergency management contracts over other contracts, allocate materials and
18 facilities in his or her discretion, and take, use, and destroy, in the name of the state,
19 private property for emergency management purposes. ~~Such taking, use, or~~
20 ~~destruction shall be in the name of the state. Records~~ The governor shall be kept keep
21 records of such that action and ~~such.~~ Those records shall be evidence of a claim

1 against the state. ~~Any such~~ The claim against the state shall be referred to the claims
2 board under s. 16.007.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

3 **SECTION 62.** 166.03 (1) (b) 5. of the statutes is renumbered 323.12 (4) (b) and
4 amended to read:

5 323.12 (4) (b) ~~During a state of emergency, issue~~ Issue such orders as he or she
6 deems necessary for the security of persons and property.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

7 **SECTION 63.** 166.03 (1) (b) 6. of the statutes is renumbered 323.12 (4) (c) and
8 amended to read:

9 323.12 (4) (c) ~~During a state of emergency, contract~~ Contract on behalf of the
10 state with any person to provide, ~~on a cost basis,~~ equipment and services ~~on a cost~~
11 ~~basis to be used in to respond to an enemy action, a disaster relief, or the imminent~~
12 ~~threat of a disaster.~~

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

13 **SECTION 64.** 166.03 (1) (b) 8. of the statutes is renumbered 323.12 (4) (d).

14 **SECTION 65.** 166.03 (2) (title) of the statutes is repealed.

15 **SECTION 66.** 166.03 (2) (a) (intro.) of the statutes is renumbered 323.13 (1)
16 (intro.).

17 **SECTION 67.** 166.03 (2) (a) 1. of the statutes is renumbered 323.13 (1) (b) and
18 amended to read:

19 323.13 (1) (b) Subject to approval by the governor, develop and ~~promulgate~~
20 adopt a state plan of emergency management for the security and protection of
21 persons and property ~~which shall be mandatory during a state of emergency.~~ In
22 developing the plan, the adjutant general shall seek the advice of the department of

1 health services with respect to the emergency medical aspects of the plan. The plan
2 shall specify equipment and personnel standards, and shall require the use of the
3 incident command system, and specify the type of incident command system, by all
4 emergency response agencies, including local health departments, during a state of
5 emergency declared under sub. (1) (b) 1. or s. 166.23 (1) or in any other
6 ~~multi-jurisdictional or multi-agency emergency response ss. 323.10 or 323.11.~~

****NOTE: I added “and protection” in the first sentence because with a health emergency, security seems too limited. OK? The last sentence is confusing.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

7 **SECTION 68.** 166.03 (2) (a) 2. of the statutes is renumbered 323.13 (1) (c) and
8 amended to read:

9 323.13 (1) (c) Prescribe and carry out statewide training programs and
10 exercises to develop emergency management proficiency, disseminate information
11 including warnings of enemy action, ~~serve as the principal assistant to the governor~~
12 ~~in the direction of emergency management activities~~ and coordinate emergency
13 management programs between counties. The training programs shall include
14 training in managing emergency operations utilizing the incident command system
15 for local unit of government officials, officers, and employees whose duties include
16 responding to emergencies, including officers and employees of local health
17 departments. The adjutant general shall consult with the department of health
18 services regarding the provision of incident command system training to local health
19 department personnel. To the extent possible, the adjutant general shall utilize
20 federal funding to provide incident command system training.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

****NOTE: 1. What information does the first sentence require the adjutant general to disseminate? Should the adjutant general be required coordinate more emergency

management programs than those of counties, for example regions, other local units of government, or private entities?

1 **SECTION 69.** 166.03 (2) (a) 3. of the statutes is renumbered 323.13 (1) (d) and
2 amended to read:

3 323.13 (1) (d) Furnish guidance and develop and promulgate standards rules
4 for emergency management programs for ~~counties, cities, villages, and towns~~ local
5 units of government, and prescribe nomenclature for all levels of emergency
6 management. The standards rules shall include a requirement that ~~county, city,~~
7 ~~village, and town~~ local unit of government emergency management programs
8 adopted under ~~sub. (4) (a) s. 323.16 (1) (a) 1. and (b) 1.~~ utilize the incident command
9 system during a state of emergency declared under ~~sub. (1) (b) 1. or s. 166.23 (1) s.~~
10 323.10 or 323.11 or in any other multi-jurisdictional or multi-agency emergency
11 response. The standards for fire, rescue, and emergency medical services shall
12 include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm
13 System as a mechanism that may be used for deploying personnel and equipment in
14 a multi-jurisdictional or multi-agency emergency response. ~~The adjutant general~~
15 ~~shall promulgate these standards as rules.~~

16 **Cross Reference:** **Cross Reference:** **Cross Reference:** See also ch. WEM 8, Wis. adm. code. **Cross Reference:**
History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29,
31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a.
109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

17 **SECTION 70.** 166.03 (2) (a) 4. of the statutes is repealed.

18 **SECTION 71.** 166.03 (2) (a) 5. of the statutes is renumbered 323.13 (1) (e).

19 **SECTION 72.** 166.03 (2) (a) 6. of the statutes is renumbered 323.13 (1) (f), and
20 323.13 (1) (f) (intro.), as renumbered, is amended to read:

21 323.13 (1) (f) (intro.) No later than 90 days after a state of emergency relating
22 to public health is declared and the department of health services is not designated
23 under s. ~~166.03 (1) (b) 1.~~ 323.10 as the lead state agency to respond to that emergency

1 and no later than 90 days after the termination of this state of emergency relating
2 to public health, submit to the legislature under s. 13.172 (2) and to the governor a
3 report on all of the following:

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

4 **SECTION 73.** 166.03 (2) (b) (intro.) of the statutes is renumbered 323.13 (2)
5 (intro.) and amended to read:

6 **323.13 (2) CONTINUING POWERS** (intro.) The adjutant general may do all of the
7 following:

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

8 **SECTION 74.** 166.03 (2) (b) 1. of the statutes is renumbered 323.13 (2) (a) and
9 amended to read:

10 **323.13 (2) (a)** Divide the state into emergency management areas regions
11 composed of whole counties by general or special written orders subject to approval
12 by the governor, and modify the boundaries thereof of those regions as changed
13 conditions warrant. ~~Such areas shall be classified and designated in accordance with~~
14 ~~standards promulgated under the federal civil defense act of 1950, as amended.~~

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

****NOTE: Do we need to require “general or special written orders” for the creation
of regions, or can we just make the creation of regions subject to approval of the governor?

15 **SECTION 75.** 166.03 (2) (b) 2. of the statutes is renumbered 323.13 (2) (b) and
16 amended to read:

17 **323.13 (2) (b)** Appoint a head director of emergency management for each area
18 ~~established in accordance with subd. 1. region under par. (a)~~ under the classified
19 service on either a part-time or full-time basis, or may request ask the governor to

1 designate any state officer or employee as acting area head regional director on a
2 part-time basis.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

3 **SECTION 76.** 166.03 (2) (b) 3. of the statutes is renumbered 323.13 (2) (c).

4 **SECTION 77.** 166.03 (2) (b) 4. of the statutes is renumbered 323.13 (2) (d).

5 **SECTION 78.** 166.03 (2) (b) 5. of the statutes is renumbered 323.13 (2) (e) and
6 amended to read:

7 323.13 (2) (e) Organize and train state mobile support units to aid any area
8 region during a state of emergency. ~~Such~~ The units may participate in training
9 programs and exercises ~~both within and or~~ outside the state.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

10 **SECTION 79.** 166.03 (2) (b) 6. of the statutes is renumbered 323.13 (2) (f).

11 **SECTION 80.** 166.03 (2) (b) 7. of the statutes is renumbered 323.13 (2) (g).

12 **SECTION 81.** 166.03 (2) (b) 8. of the statutes is renumbered 323.30 and amended
13 to read:

14 **323.30 Federal disaster assistance.** Make The adjutant general shall make
15 payments from the appropriation under s. 20.465 (3) (e) to pay this state's share of
16 grants to individuals and to provide a share of any required state share of
17 contributions to local governments as defined in 42 USC 5122 (6) for major disaster
18 recovery assistance. Payment of this state's share of any contribution to a local
19 government under this ~~subdivision~~ section is contingent upon copayment of that
20 share by the local government, but not to exceed 12.5% of the total eligible cost of
21 assistance. No payment may be made under this subdivision without the prior
22 approval of the secretary of administration.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

1 **SECTION 82.** 166.03 (2) (b) 9. of the statutes is renumbered 323.31 and amended
2 to read:

3 **323.31 State disaster assistance.** From the appropriations under s. 20.465
4 (3) (b) and (s), the adjutant general shall make payments to local governmental units,
5 as defined in s. 19.42 (7u), for the damages and costs incurred as the result of a ~~major~~
6 ~~catastrophe~~ disaster if federal disaster assistance is not available for that
7 ~~catastrophe~~ disaster because the governor's request that the president declare the
8 ~~catastrophe~~ disaster a major disaster under 42 USC 5170 has been denied or because
9 the disaster, as determined by the department of military affairs, does not meet the
10 statewide or countywide per capita impact indicator under the public assistance
11 program that is issued by the federal emergency management agency. To be eligible
12 for a payment under this subdivision, the local governmental unit shall pay 30
13 percent of the amount of the damages and costs resulting from the ~~natural~~ disaster.
14 The department of military affairs shall promulgate rules establishing the
15 application process and the criteria for determining eligibility for payments under
16 this subdivision.

17 **Cross Reference: Cross Reference: Cross Reference:** See also ch. WEM 7, Wis. adm. code. **Cross Reference:**
History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29,
31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a.
109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

****NOTE: Please review repeal of definition of "major catastrophe" and amendment
to current law s. 166.03 (2) (b) 9.

****NOTE: Should the state disaster assistance program be only for natural
disasters?

18 **SECTION 83.** 166.03 (3) of the statutes is repealed.

19 **SECTION 84.** 166.03 (4) (title) of the statutes is renumbered 323.16 (title) and
20 amended to read:

1 **323.16 (title) Powers Local government; powers and duties of counties**
2 **and municipalities.**

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

3 **SECTION 85.** 166.03 (4) (a) of the statutes is renumbered 323.16 (1) (b) and
4 amended to read:

5 323.16 (1) (b) 1. The governing body of each county, city, village, or town and
6 municipality shall develop and adopt an effective program of emergency
7 management plan and program consistent with the state plan of emergency
8 management and, ~~except at the county level in counties having a county executive,~~
9 adopted under s. 323.13 (1) (b).

10 2. The governing body of each city, village, or town shall appoint a head of
11 emergency management services. Each such may appropriate funds and levy taxes
12 for this program.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

13 **SECTION 86.** 166.03 (4) (b) of the statutes is renumbered 323.16 (1) (a) 2. and
14 amended to read:

15 323.16 (1) (a) 2. Each county board shall appoint a head of emergency
16 management. In counties having a county executive under s. 59.17, the county board
17 shall designate the county executive or confirm his or her appointee as county head
18 of emergency management. Notwithstanding sub. (2) (b), an individual may not
19 simultaneously serve as the head of emergency management for two or more
20 counties services.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

21 **SECTION 87.** 166.03 (4) (c) of the statutes is renumbered 323.16 (1) (a) 3. and
22 amended to read:

1 323.16 (1) (a) 3. Each county board shall designate a committee of the board
2 as a county emergency management committee whose, The chairperson of the
3 county board shall be a member of the committee designated by designate the
4 chairperson of the county board. ~~The committee, in.~~ In counties having a county
5 executive under s. 59.17, the committee shall retain policy-making and rule-making
6 powers in the establishment and development of county emergency management
7 plans and programs.

****NOTE: Section 323.16 (1), as amended, reflects current law, except that it adds
a prohibition against one individual simultaneously serving as the head of emergency
management for more than one county.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29,
31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a.
109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

8 **SECTION 88.** 166.03 (4) (d) of the statutes is renumbered 323.16 (3) (b) and
9 amended to read:

10 323.16 (3) (b) During the ~~continuance of a state of emergency proclaimed~~
11 declared by the governor, the county board of each county a local unit of government
12 situated within the area to which the governor's ~~proclamation~~ executive order
13 applies may employ the ~~county emergency management organization and the~~
14 personnel, facilities, and other resources of the organization consistent with the plan
15 adopted under sub. (1) (a) 1. or (b) 1. to cope with the problems of the emergency, and
16 the ~~governing body of each municipality and town situated within the area shall~~
17 ~~have similar authority with respect to municipal emergency management~~
18 ~~organizations, facilities, and resources~~ that resulted in the governor declaring the
19 emergency. Nothing in this chapter prohibits ~~counties and municipalities~~ local units
20 of government from employing their emergency management ~~organizations~~
21 personnel, facilities, and resources consistent with the plan adopted under sub. (1)
22 (a) 1. or (b) 1. to cope with the problems of local public emergencies except where

1 restrictions are imposed by federal regulations on property donated by the federal
2 government.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

3 **SECTION 89.** 166.03 (5) (title) of the statutes is repealed.

4 **SECTION 90.** 166.03 (5) (a) of the statutes is renumbered 323.17 (1) (a) and
5 amended to read:

6 323.17 (1) (a) The head of emergency management services ~~in for~~ for each county,
7 ~~town and municipality~~ local unit of government shall for his or her respective county,
8 ~~town or municipality, develop and promulgate emergency management plans~~
9 ~~consistent with state plans, direct the emergency management program~~ unit of
10 government, implement the plan adopted under s. 323.16 (1) (a) 1. or (b) 1.,
11 whichever is applicable, and perform such other duties related to emergency
12 management as are required by the governing body and the emergency management
13 committee of the governing body when applicable. The emergency management
14 plans shall require the use of the incident command system by all emergency
15 response agencies, including local health departments, during a state of emergency
16 declared under ~~sub. (1) (b) 1. or s. 166.23 (1) or in any other multi-jurisdictional or~~
17 ~~multi-agency emergency response~~ s. 323.10 or 323.11.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

18 **SECTION 91.** 166.03 (5) (b) of the statutes is renumbered 323.17 (1) (b) and
19 amended to read:

20 323.17 (1) (b) The head of emergency management services ~~in for~~ for each county
21 shall coordinate and assist in developing city, village, and ~~town and municipal~~
22 emergency management plans within the county, integrate such plans with the
23 county plan, advise the department of military affairs of all emergency management

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1 planning in the county and submit to the adjutant general such reports as he or she
 2 requires, direct and coordinate emergency management activities throughout the
 3 county during a state of emergency, and direct countywide emergency management
 4 training programs and exercises.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

****NOTE: Should references to the department and the adjutant general in this paragraph instead be to the division?

5 **SECTION 92.** 166.03 (5) (c) of the statutes is renumbered 323.17 (1) (c) and
 6 amended to read:

7 **323.17 (1) (c)** The head of emergency management services in each city, village
 8 and town and municipality shall direct do all of the following:

9 1. Direct local emergency management training programs and exercises,
 10 direct.

11 2. Direct participation in emergency management programs and exercises that
 12 are ordered by the adjutant general and the county head of emergency management
 13 services, and advise.

****NOTE: Do we need to specify that the programs and exercise are ordered by the adjutant general and the county head of emergency management?

14 3. Advise the county head of emergency management services on local
 15 emergency management programs and submit to him or her such.

16 4. Submit to the county head of emergency management any reports as he or
 17 she requires.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

18 **SECTION 93.** 166.03 (5) (d) of the statutes is renumbered 323.17 (4) and
 19 amended to read:

20 **323.17 (4)** During ~~the continuance of~~ a state of emergency proclaimed declared
 21 by the governor, the head of emergency management services in for each county, town

1 ~~and municipality local unit of government~~, on behalf of his or her respective county,
2 ~~town or municipality local unit of government~~, may contract with any person to
3 provide equipment and services on a cost basis to be used ~~in disaster relief to respond~~
4 to an enemy action, a disaster, or the imminent threat of a disaster.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

5 **SECTION 94.** 166.03 (5a) of the statutes is renumbered 323.01 (2) and amended
6 to read:

7 **323.01 (2) ~~ROLE OF STATE AGENCY IN EMERGENCY.~~** Unless otherwise specified by
8 law, the role of any state agency, including the department of military affairs and its
9 ~~division of emergency government~~ the division, in an emergency declared under this
10 chapter, is to assist local units of government and local law enforcement agencies in
11 responding to the emergency enemy action, a disaster, or the imminent threat of a
12 disaster.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

13 **SECTION 95.** 166.03 (6) of the statutes is renumbered 323.195.

14 **SECTION 96.** 166.03 (7) (title) of the statutes is repealed.

15 **SECTION 97.** 166.03 (7) (a) of the statutes is renumbered 323.16 (2) (b) and
16 amended to read:

17 **323.16 (2) (b) ~~Counties, towns and municipalities~~ Local units of government**
18 **may cooperate under s. 66.0301 to furnish services, combine offices, and finance**
19 **emergency management services programs.**

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

20 **SECTION 98.** 166.03 (7) (b) of the statutes is renumbered 323.16 (2) (c) and
21 amended to read:

1 323.16 (2) (c) ~~Counties, towns and municipalities~~ Local units of government
2 may contract for emergency management services with political subdivisions, and
3 emergency management units ~~and civil defense units~~ of this state, and upon prior
4 approval of the adjutant general, with such entities in bordering states. A copy of
5 each such agreement shall be filed with the adjutant general within 10 days after
6 execution ~~thereof~~ of that agreement.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

7 **SECTION 99.** 166.03 (7) (c) of the statutes is repealed.

8 **SECTION 100.** 166.03 (8) (title) of the statutes is renumbered 323.22 (title) and
9 amended to read:

10 **323.22 (title) Personnel restrictions.**

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

11 **SECTION 101.** 166.03 (8) (a) to (c) of the statutes are renumbered 323.22 (1) to
12 (3) and amended to read:

13 **323.22 (1)** No personnel, while performing emergency management
14 ~~organization established functions consistent with a plan adopted under this section~~
15 s. 323.13 (1) (b) or 323.16 (1) (a) 1. or (b) 1., shall participate in any form of political
16 activity or be employed directly or indirectly for any political activity.

17 **(2)** No personnel, while performing emergency management ~~organization~~
18 ~~established functions consistent with a plan adopted under this section~~ s. 323.13 (1)
19 (b) or 323.16 (1) (a) 1. or (b) 1., shall be employed to interfere with the orderly process
20 of a labor dispute.

21 **(3)** No person shall may be employed or associated in any capacity in any state
22 or local unit of government emergency management ~~organization under this section~~
23 program under s. 323.13 (1) (b) or 323.16(1) (a) 1. or (b) 1. who advocates a change

1 by force or violence in the constitutional form of government of the United States or
2 this state or who has been convicted of or is under indictment or information charging
3 any subversive act against the United States.

4 **SECTION 102.** 166.03 (8) (d) to (g) of the statutes are repealed.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

5 **SECTION 103.** 166.03 (9) of the statutes is renumbered 323.41 and amended to
6 read:

7 **323.41** BEARING OF LOSSES. Any Subject to s. 323.40 (3), any loss arising from
8 the damage to or destruction of government–owned equipment utilized in any
9 authorized emergency management activity shall be borne by the owner thereof of
10 the equipment.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

11 **SECTION 104.** 166.03 (10) of the statutes is renumbered 323.42 and 323.42 (1)
12 (b), as renumbered, is amended to read:

13 **323.42 (1) (b)** In response to an enemy action, a ~~natural or man–made~~ disaster,
14 the imminent threat of a disaster, or a federally declared state of emergency or during
15 a state of emergency declared by the governor.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

16 **SECTION 105.** 166.03 (11) of the statutes is renumbered 323.175 and amended
17 to read:

18 **323.175** POWERS OF PEACE LAW ENFORCEMENT OFFICERS. During any state of
19 emergency ~~proclaimed~~ declared by the governor or during any training program or
20 exercises authorized by the adjutant general, any ~~peace officer or traffic law~~
21 enforcement officer of the state, or of a county, city, village or town, when legally
22 engaged in traffic control, escort duty or protective service, may carry out such the

1 functions ~~at any point within~~ anywhere in the state but shall be subject to the
2 direction of the adjutant general through the sheriff of the county in which an
3 assigned function is performed.

4 **SECTION 106.** 166.03 (12) of the statutes is renumbered 323.01 (3) and amended
5 to read:

6 **323.01 (3)** ~~RED CROSS NOT AFFECTED.~~ ~~Nothing contained in this section shall~~
7 This chapter may not limit or in any way affect the responsibility of the American
8 National Red Cross as authorized by the congress of the United States.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

9 **SECTION 107.** 166.03 (13) of the statutes is renumbered 323.13 (1) (dm) and
10 amended to read:

11 **Cross Reference:** ~~Cross Reference:~~ ~~Cross Reference:~~ See also ch. WEM 8, Wis. adm. code. **Cross Reference:**

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

12 **323.13 (1) (dm)** ~~Authority to withhold grants.~~ If the adjutant general finds
13 that ~~any political subdivision of the state~~ a county has not complied with the
14 requirement of this section that it establish and maintain an operating developed,
15 adopted and implemented an emergency management organization, ~~he or she may~~
16 plan, refuse to approve grants of funds or items of equipment to ~~such political~~
17 ~~subdivision~~ the county until it ~~complies~~ the county does so. If ~~such political~~
18 ~~subdivision~~ the county fails to use the funds or items of equipment granted ~~to it~~
19 ~~through the adjutant general~~ under this chapter in accordance with the agreement
20 under which the grant was made, the adjutant general ~~may~~ shall refuse to make any
21 additional grants to ~~such political subdivision~~ the county until it has complied with
22 the conditions of the prior grant, and he or she may start recovery proceedings on the
23 funds and items of equipment which have not been used in accordance with the
24 conditions of the grant.

****NOTE: What grants does this refer to?

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

1 **SECTION 108.** 166.03 (14) (title) of the statutes is renumbered 323.23 (title).

2 **SECTION 109.** 166.03 (14) of the statutes is renumbered 323.23 (1) and amended
3 to read:

4 **323.23 (1)** Whoever intentionally fails to comply with the directives of an order
5 of an agent of the state or a local unit of government that is engaged in emergency
6 management authorities promulgated activities under this section chapter issued
7 during a state of emergency or during any related training program or exercises ~~may~~
8 be fined is subject to a forfeiture of not more than \$200 ~~or imprisoned not more than~~
9 90 days or both.

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

10 **SECTION 110.** 166.04 of the statutes is renumbered 323.12 (2) (c) and amended
11 to read:

12 **323.12 (2) (c)** ~~State traffic patrol and conservation warden duties~~
13 ~~during civil disorder.~~ Without proclaiming a state of emergency, If the governor
14 ~~may, in writing filed with the secretary of state, determine~~ determines that there
15 ~~exists~~ a condition of civil disorder or a threat to the safety of persons on state property
16 or damage or destruction to state property. ~~Upon such filing exists,~~ he or she may
17 , without declaring an emergency, call out the state traffic patrol or the conservation
18 warden ~~force~~ services or members thereof of that patrol or service for use in
19 connection with such the threat to such life or property. ~~For the duration of such~~
20 ~~threat, as determined by the governor, such officers shall have the powers of a peace~~
21 ~~officer as set forth in s. 59.28, except that such officers shall not be used in or take~~

1 ~~part in any dispute or controversy between employer or employee concerning wages,~~
2 ~~hours, labor or working conditions.~~

History: 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.04; 1995 a. 201.

3 **SECTION 111.** 166.09 of the statutes is renumbered 323.44 and amended to
4 read:

5 **323.44 Public shelters; immunity from civil liability. (1)** Any person
6 owning or controlling real estate ~~or other premises~~ property who voluntarily and
7 without compensation grants to the state or any of its political subdivisions a license
8 or privilege, or otherwise permits the state or any of its political subdivisions to
9 inspect, designate and use the whole or any part ~~thereof~~ of the real property for the
10 purpose of sheltering persons during ~~an actual, impending, mock or practice attack~~
11 enemy action, a disaster, an imminent threat of a disaster, or a related training
12 exercise, shall, together with his or her successors in interest, if any, not be civilly
13 liable for negligently causing the death of or injury to any person on or about such
14 the real estate or premises property under such the license, privilege, or permission
15 or for loss or damage to the property of such any person, if the owner or controller has
16 complied with sub. (2).

17 **(2)** Any person owning or controlling real estate ~~or other premises~~ property who
18 gratuitously grants the use ~~thereof~~ of that real property for the purposes stated in
19 sub. (1) shall make known to the licensee any hidden dangers or safety hazards which
20 are known to the owner or occupant of ~~said the real estate or premises~~ which property
21 that might possibly result in death or injury or loss of property to any person making
22 use ~~thereof~~ of the property.

History: 1979 c. 361 ss. 56, 112; Stats. 1979 s. 166.09.

23 **SECTION 112.** 166.10 (intro.) of the statutes is repealed.

1 **SECTION 113.** 166.10 (1) to (5) of the statutes are renumbered 16.61 (3) (d) 1.
2 to 5.

3 **SECTION 114.** 166.15 (title) of the statutes is renumbered 895.065.

4 **SECTION 115.** 166.15 (1) (intro.), (a), (b), (c), and (d) of the statutes are
5 renumbered 895.065 (1) (intro.), (a), (b), (c), and (d).

6 **SECTION 116.** 166.15 (1) (e) of the statutes is renumbered 895.065 (1) (e) and
7 323. (1) (e) 6., as renumbered, is amended to read:

8 895.065 (1) (e) 6. Expenses incurred by an emergency provider in preparing for
9 and responding to a nuclear incident ~~which~~ that are not reimbursed under s. ~~166.03~~
10 ~~(1) (b) 2. or 3. or (2) (b) 7. ?????~~ or 292.11 (7).

***NOTE: This section is being reviewed by Randi.

History: 1985 a. 29; 1989 a. 31; 1989 a. 56 s. 259; 1993 a. 27; 1995 a. 227, 247; 1999 a. 9.

11 **SECTION 117.** 166.15 (1) (f) to (k), (2), (3), (4), and (5) of the statutes are
12 renumbered 895.065 (1) (f) to (k), (2), (3), (4), and (5).

13 **SECTION 118.** 166.20 (title) of the statutes is renumbered 323.70 (title).

14 **SECTION 119.** 166.20 (1) (intro.) of the statutes is renumbered 323.70 (1) (intro.)
15 and amended to read:

16 323.70 (1) DEFINITIONS. (intro.) In ~~ss. 166.20 to 166.215~~ this subchapter:

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001
a. 16, 109.

17 **SECTION 120.** 166.20 (1) (b) and (c) of the statutes are renumbered 323.70 (1)
18 (b) and (c).

19 **SECTION 121.** 166.20 (1) (d) of the statutes is renumbered 323.70 (1) (d) and
20 amended to read:

1 323.70 (1) (d) “Facility plan” means a plan for response to the release of
2 hazardous substances from a specific facility, prepared as a component of a local
3 emergency response plan under sub. (5) (a) ~~1~~ and under 42 USC 11003.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

4 **SECTION 122.** 166.20 (1) (e) and (f) of the statutes are renumbered 323.70 (1)
5 (e) and (f).

6 **SECTION 123.** 166.20 (1) (fm) of the statutes is repealed.

7 **SECTION 124.** 166.20 (1) (g) of the statutes is renumbered 323.70 (1) (g).

8 **SECTION 125.** 166.20 (1) (ge) and (gi) of the statutes are renumbered 323.02 (13)
9 and (14).

10 **SECTION 126.** 166.20 (1) (gk) of the statutes is renumbered 323.02 (15) and
11 amended to read:

12 323.02 (15) “Local emergency response team” means a team that the local
13 emergency planning committee identifies under s. ~~166.21 (2m) (e)~~ 323.71 (2m) (e) .

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

14 **SECTION 127.** 166.20 (1) (gm) of the statutes is repealed.

15 **SECTION 128.** 166.20 (1) (h) and (i) of the statutes are renumbered 323.70 (1)
16 (h) and (i).

17 **SECTION 129.** 166.20 (1) (im) of the statutes is repealed.

18 **SECTION 130.** 166.20 (1) (j) of the statutes is renumbered 323.70 (1) (j).

19 **SECTION 131.** 166.20 (1) (j) of the statutes is renumbered 323.70 (1) (j) and
20 323.70 (1) (j) 1. and 2., as renumbered, are amended to read:

21 323.70 (1) (j) 1. A hazardous chemical which, if used by or present at a facility,
22 makes the facility subject to the requirements of sub. (5) (a) ~~3~~ (c); or

1 323.70 (1) (j) 2. A toxic chemical which, if used by or present at a facility, makes
2 the facility subject to the requirements of sub. (5) (a)–4 (d).

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

3 **SECTION 132.** 166.20 (1) (k) of the statutes is renumbered 323.70 (1) (k).

4 **SECTION 133.** 166.20 (2) (intro.) of the statutes is renumbered 323.70 (2)
5 (intro.).

6 **SECTION 134.** 166.20 (2) (a) of the statutes is renumbered 323.70 (2) (a) and
7 amended to read:

8 323.70 (2) (a) ~~Carry out all requirements of a~~ Serve as the state emergency
9 response commission under the federal act.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

10 **SECTION 135.** 166.20 (2) (b) of the statutes is renumbered 323.70 (2) (b).

11 **SECTION 136.** 166.20 (2) (bg) of the statutes is renumbered 323.70 (2) (bg) and
12 amended to read:

13 323.70 (2) (bg) Promulgate rules establishing an amount not to exceed \$6,000
14 that may be an eligible cost for computers in an emergency planning grant under s.
15 ~~166.21 (2) (br)~~ 323.71 (2) (br).

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

16 **SECTION 137.** 166.20 (2) (bm) of the statutes is renumbered 323.80 (7) (a) and
17 amended to read:

18 323.80 (7) (a) ~~Promulgate~~ The division shall promulgate rules establishing
19 standards to determine all of the following:

20 1. If a regional or local emergency response team has made a good faith effort
21 to identify a person responsible for the emergency involving a release or potential
22 release of a hazardous substance under s. ~~166.215 (3) or 166.22 (4)~~ 323.80 (4) or
23 323.81 (4).

1 2. If a person responsible for the emergency involving a release or potential
2 release of a hazardous substance under s. ~~166.215 (3) or 166.22 (4)~~ 323.80 (4) or
3 323.81 (4) is financially able or has the money or resources necessary to reimburse
4 a regional or local emergency response team for the expenses incurred by the
5 regional or local emergency response team in responding to the emergency.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

6 **SECTION 138.** 166.20 (2) (bs) 1. of the statutes is renumbered 323.80 (7) (b) and
7 amended to read:

8 323.80 (7) (b) ~~Promulgate~~ The division shall promulgate rules that establish
9 the procedures that a regional emergency response team shall follow to determine
10 if an emergency that requires the team's response exists as the result of a level A
11 release or a potential level A release.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

12 **SECTION 139.** 166.20 (2) (bs) 2. of the statutes is renumbered 323.80 (7) (c) and
13 amended to read:

14 323.80 (7) (c) ~~Promulgate~~ The division shall promulgate rules that establish
15 the procedures that a local emergency response team shall follow to determine if an
16 emergency that requires the team's response exists as the result of a release or
17 potential release of a hazardous substance, as defined in s. 299.01 (6).

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

18 **SECTION 140.** 166.20 (2) (c) of the statutes is renumbered 323.70 (2) (c).

19 **SECTION 141.** 166.20 (2) (d) of the statutes is renumbered 323.70 (2) (d) and
20 amended to read:

21 323.70 (2) (d) Administer the grant program under s. ~~166.21~~ 323.71.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

22 **SECTION 142.** 166.20 (2) (e) of the statutes is renumbered 323.70 (2) (e).

1 **SECTION 143.** 166.20 (2) (f) of the statutes is renumbered 323.70 (2) (f).

2 **SECTION 144.** 166.20 (3) (intro.) and (a) of the statutes is renumbered 323.70
3 (3) (intro.) and (a).

4 **SECTION 145.** 166.20 (3) (b) of the statutes is renumbered 323.70 (3) (b) and
5 amended to read:

6 323.70 (3) (b) Upon receipt by the committee or the committee's designated
7 community emergency coordinator of a notification under sub. (5) ~~(a) 2.~~ (b) of the
8 release of a hazardous substance, take all actions necessary to ensure the
9 implementation of the local emergency response plan.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

10 **SECTION 146.** 166.20 (3) (c) of the statutes is renumbered 323.70 (3) (c) and
11 amended to read:

12 323.70 (3) (c) Consult and coordinate with the county board, the county and
13 local heads of emergency management ~~services~~ designated under s. ~~166.03 (4) (a) or~~
14 ~~(b)~~ 323.16 (1) (a) 2. or (b) 2. and the county emergency management committee
15 designated under s. ~~166.03 (4) (c)~~ 323.16 (1) (a) 3. in the execution of the local
16 emergency planning committee's duties under this section.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

17 **SECTION 147.** 166.20 (4) of the statutes is renumbered 323.70 (4) and 323.70
18 (4) (a) and (c), as renumbered, are amended to read:

19 323.70 (4) (a) Upon receipt of a notification under sub. (5) ~~(a) 2.~~ (b) or s. 292.11
20 (2) of the release of a hazardous substance, provide all information contained in the
21 notification to the division.

1 (c) Use the information contained in toxic chemical release forms submitted
2 under sub. (5) ~~(a) 4.~~ (d) in the planning and implementation of programs related to
3 the regulation, monitoring, abatement and mitigation of environmental pollution.

4 History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

4 **SECTION 148.** 166.20 (4m) of the statutes is renumbered 323.70 (4m).

5 **SECTION 149.** 166.20 (5) (title) of the statutes is renumbered 323.70 (5) (title).

6 **SECTION 150.** 166.20 (5) (a) 1., 2., and 3. of the statutes is renumbered 323.70
7 (5) (a), (b), and (c).

8 **SECTION 151.** 166.20 (5) (a) 4., 5., and 6. of the statutes is renumbered 323.70
9 (5) (d), (e) and (f), and 323.70 (5) (d) 3., (e) and (f), as renumbered, are amended to
10 read:

11 323.70 (5) (d) 3. All facilities with 10 or more employees in major group
12 classifications 10 to 13 in the standard industrial classification manual, 1987
13 edition, published by the U.S. office of management and budget, at which a toxic
14 chemical is used at or above an applicable threshold quantity, except that compliance
15 with the toxic chemical release form requirements under this ~~subd. 4.c.~~ subdivision
16 is not required for the placement of a toxic chemical in a storage or disposal site or
17 facility that is located at a facility with a permit under ch. 293 if the toxic chemical
18 consists of or is contained in merchantable by-products as defined in s. 293.01 (7),
19 minerals as defined in s. 293.01 (8) or refuse as defined in s. 293.01 (25).

20 (e) The reporting procedures for trade secrets under 42 USC 11042 shall apply
21 to all facilities in this state subject to the requirements under ~~subd. 1., 3. or 4~~ par.
22 (a), (c), or (d). For the purposes of applying this subdivision to public agencies and
23 private agencies, the division shall have the powers and duties granted to the
24 administrator of the U.S. environmental protection agency under 42 USC 11042.

1 (f) All facilities in this state subject to the requirements under ~~subd. 3. or 4. par.~~
2 ~~(c) or (d)~~ shall comply with the procedures for providing information under 42 USC
3 11043.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

4 **SECTION 152.** 166.20 (5) (b) of the statutes is repealed.

5 **SECTION 153.** 166.20 (5m) and (6) of the statutes are renumbered 323.70 (5m)
6 and (6).

7 **SECTION 154.** 166.20 (7) (title) of the statutes is renumbered 323.70 (7) (title).

8 **SECTION 155.** 166.20 (7) (a) (intro.) of the statutes is renumbered 323.70 (7) (a)
9 (intro.) and amended to read:

10 323.70 (7) (a) (intro.) The division shall establish, by rule, the following fees at
11 levels designed to fund the division's administrative expenses and the grants under
12 s. ~~166.21~~ 323.71:

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

13 **SECTION 156.** 166.20 (7) (a) 1. of the statutes is renumbered 323.70 (7) (a) 1. and
14 amended to read:

15 323.70 (7) (a) 1. An emergency planning notification fee to be paid when a
16 facility makes the emergency planning notification required under sub. (5) (a) 1.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

17 **SECTION 157.** 166.20 (7) (a) 2. of the statutes is renumbered 323.70 (7) (a) 2. and
18 amended to read:

19 323.70 (7) (a) 2. An inventory form fee to be paid annually when a facility
20 submits the emergency and hazardous chemical inventory forms required under sub.
21 (5) ~~(a) 3~~ (c).

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

1 **SECTION 158.** 166.20 (7) (b) and (d), (dm) and (e) of the statutes are renumbered
2 323.70 (7) (b), (d), (dm), and (e), and 323.70 (7) (b) and (dm), as renumbered, are
3 amended to read:

4 166.20 (7) (b) The operator of a facility subject to the requirements of sub. (5)
5 ~~(a) 1. or 3.~~ (a) or (c) shall pay the fees under par. (a). The division may establish, by
6 rule, a surcharge to be paid by the operator of a facility if the operator fails to pay the
7 fees under par. (a) in a timely manner. The surcharge under this paragraph shall not
8 exceed 20% of the original fee.

9 (dm) The operator of a ~~petroleum marketing facility~~ at which petroleum
10 products are received by tank truck, tank trailer or railroad tank car and stored for
11 resale is exempt from the fees under par. (a) 2. with respect to gasoline and diesel fuel
12 present at ~~the petroleum marketing~~ that facility.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

13 **SECTION 159.** 166.20 (7m) and (8) of the statutes are renumbered 323.70 (7m)
14 and (8).

15 **SECTION 160.** 166.20 (9) (title) of the statutes is renumbered 323.70 (9) (title).

16 **SECTION 161.** 166.20 (9) (a) of the statutes is renumbered 323.70 (9) (a), and
17 323.70 (9) (a) 1. a., b., and c., 2. a., b. and c., and 3., as renumbered, are amended to
18 read:

19 323.70 (9) (a) 1. a. Any person for failure to submit a follow-up emergency
20 notice under 42 USC 11004 (c), as applied under sub. (5) ~~(a) 2~~ (b).

21 b. Any person for violation of sub. (5) ~~(a) 3. or 4~~ (c) or (d).

22 c. The division for failure to render a decision in response to a petition under
23 42 USC 11042 (d), as applied under sub. (5) ~~(a) 5.~~ (e), within 9 months after receipt
24 of the petition.

1 2. a. Provide notification to the division under 42 USC 11002 (c), as applied
2 under sub. (5) (a) 1.

3 b. Submit the information required under 42 USC 11021 (a) or 11022 (a), as
4 applied by sub. (5) ~~(a) 3~~ (c).

5 c. Make available information requested under 42 USC 11021 (c), as applied
6 under sub. (5) ~~(a) 3~~ (c).

7 3. The division or any committee may commence an action against any person
8 for failure to provide the information required under 42 USC 11003 (d), as applied
9 under sub. (5) (a) 1. or any information required under 42 USC 11022 (e) (1), as
10 applied under sub. (5) ~~(a) 3~~ (c).

11 **History:** 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

11 **SECTION 162.** 166.20 (9) (b) of the statutes is renumbered 323.70 (9) (b).

12 **SECTION 163.** 166.20 (9) (c) 1. of the statutes is renumbered 323.70 (9) (c).

13 **SECTION 164.** 166.20 (9) (e) of the statutes is repealed.

14 **SECTION 165.** 166.20 (10) of the statutes is renumbered 323.70 (10).

15 **SECTION 166.** 166.20 (11) of the statutes is renumbered 323.70 (11) and 323.70
16 (11) (a), (b) (intro.), (c), and (d), as renumbered, are amended to read:

17 323.70 **(11)** (a) Any person who violates sub. (5) (a) ~~1., 2. or 4.,~~ (b) or (d), or the
18 emergency and hazardous chemical inventory form requirements of 42 USC 11022,
19 as applied under sub. (5) ~~(a) 3.~~ (c), or any rule promulgated under sub. (5) (a) ~~1., 2.~~
20 ~~or 4.,~~ (b) or (d), or concerning emergency and hazardous chemical inventory form
21 requirements shall forfeit not less than \$100 nor more than \$25,000. Total
22 forfeitures for the failure of a facility to report multiple releases of hazardous
23 substances covered under 42 USC 11004, as applied under sub. (5) ~~(a)~~, shall not
24 exceed \$75,000 per day of offense.

1 (b) (intro.) Any person who knowingly and willfully fails to report the release
2 of a hazardous substance covered under 42 USC 11004 as required under sub. (5) ~~(a)~~
3 ~~2.~~ (b) or any rule promulgated under sub. (5) ~~(a) 2.~~ (b) is subject to the following
4 penalties:

5 (c) Any person who violates sub. (5) ~~(a) 5. or 6.~~ (e) or (f) or the material safety
6 data sheet requirements of 42 USC 11021, as applied under sub. (5) ~~(a) 3.~~ (c), or any
7 rule promulgated under sub. (5) ~~(a) 5. or 6.~~ (e) or (f) or concerning material safety data
8 sheet requirements shall forfeit not less than \$50 nor more than \$10,000.

9 (d) Any person who knowingly and willfully releases a trade secret entitled to
10 protection under 42 USC 11042, as applied under sub. (5) ~~(a) 5.~~ (e), shall be fined not
11 less than \$100 nor more than \$20,000 or imprisoned for not more than one year in
12 the county jail or both.

13 **History:** 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109.

13 **SECTION 167.** 166.21 (title) of the statutes is renumbered 323.71 (title).

14 **SECTION 168.** 166.21 (1) (title) of the statutes is renumbered 323.71 (1) (title).

15 **SECTION 169.** 166.21 (1) (a) of the statutes is renumbered 323.71 (1) (a) and
16 amended to read:

17 323.71 (1) (a) There is created an emergency planning grant program for the
18 purpose of assisting committees to comply with the requirements of s. ~~166.20~~ 323.70
19 and the federal act.

20 **History:** 1987 a. 342; 1989 a. 31, 115; 1991 a. 104; 1993 a. 16; 1995 a. 13, 227; 1997 a. 27; 2001 a. 16.

20 **SECTION 170.** 166.21 (1) (b) and (2) of the statutes are renumbered 323.71 (1)

21 (b) and (2).

****NOTE: The definition of “hazardous materials” is repealed, so should 166.21 (2)
(dm) be changed?

22 **SECTION 171.** 166.21 (2m) (intro.) and (a) to (e) of the statutes are renumbered
23 323.71 (2m) (intro.) and (a) to (e).

1 **SECTION 172.** 166.21 (2m) (f) of the statutes is renumbered 323.71 (2m) (f) and
2 amended to read:

3 323.71 **(2m)** (f) Procedures for local emergency response team actions that are
4 consistent with local emergency response plans developed under s. ~~166.20 (3)~~ 323.70
5 (3) and the state contingency plan established under s. 292.11 (5).

History: 1987 a. 342; 1989 a. 31, 115; 1991 a. 104; 1993 a. 16; 1995 a. 13, 227; 1997 a. 27; 2001 a. 16.

6 **SECTION 173.** 166.21 (3), (4), and (5) of the statutes are renumbered 323.71 (3),
7 (4), and (5).

8 **SECTION 174.** 166.215 (title) of the statutes is renumbered 323.80 (title).

9 **SECTION 175.** 166.215 (1) of the statutes is renumbered 323.80 (2) and amended
10 to read:

11 323.80 **(2)** ~~Beginning July 1, 2001, the~~ The division shall contract with no more
12 than 9 regional emergency response teams, one of which shall be located in La Crosse
13 County. Each regional emergency response team shall assist in the emergency
14 response to level A releases in a region of this state designated by the division. The
15 division shall contract with at least one regional emergency response team in each
16 area designated under s. ~~166.03 (2) (b) 1~~ 323.13 (2) (a). The division may only contract
17 with a local agency, ~~as defined in s. 166.22 (1) (c)~~, under this subsection. A member
18 of a regional emergency response team shall meet the highest standards for a
19 hazardous materials responder in 29 CFR 1910.120 (q) (6) (iv) and National Fire
20 Protection Association standards NFPA 471 and 472. Regional emergency response
21 teams shall have at least one member that is trained in each of the appropriate
22 specialty areas under National Fire Protection Association standard NFPA 472.

1 Payments to regional emergency response teams under this subsection shall be made
2 from the appropriation account under s. 20.465 (3) (dd).

3 **History:** 1991 a. 104; 1993 a. 253; 1995 a. 13; 1997 a. 27, 41; 1999 a. 9; 2001 a. 16; 2005 a. 33.

3 **SECTION 176.** 166.215 (2) of the statutes is renumbered 323.80 (3) and amended
4 to read:

5 323.80 (3) The division shall reimburse a regional emergency response team
6 for costs incurred by the team in responding to an emergency involving a level A
7 release, or a potential level A release, if the team followed the procedures in the rules
8 promulgated under ~~s. 166.20 (2) (bs) 1. sub. (7) (b)~~ to determine if an emergency
9 requiring a response existed. Reimbursement under this subsection is limited to
10 amounts collected under sub. ~~(3) (4)~~ and the amounts appropriated under s. 20.465
11 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the regional
12 emergency response team has made a good faith effort to identify the person
13 responsible under sub. ~~(3) (4)~~ and that person cannot be identified, or, if that person
14 is identified, the team has received reimbursement from that person to the extent
15 that the person is financially able or has determined that the person does not have
16 adequate money or other resources to reimburse the regional emergency response
17 team.

18 **History:** 1991 a. 104; 1993 a. 253; 1995 a. 13; 1997 a. 27, 41; 1999 a. 9; 2001 a. 16; 2005 a. 33.

18 **SECTION 177.** 166.215 (3) (intro.) of the statutes is renumbered 323.80 (4)
19 (intro.) and amended to read:

20 323.80 (4) A person shall reimburse the division for costs incurred by a regional
21 emergency response team in responding to an emergency if the team followed the
22 procedures established under ~~s. 166.20 (2) (bs) 1. sub. (7) (b)~~ to determine if an
23 emergency requiring the team's response existed and if any of the following
24 conditions applies:

1 **SECTION 178.** 166.215 (3) (a) of the statutes is renumbered 323.80 (4) (a).

2 **SECTION 179.** 166.215 (3) (b) of the statutes is renumbered 323.80 (4) (b).

3 **SECTION 180.** 166.215 (4) of the statutes is renumbered 323.80 (5) and amended
4 to read:

5 323.80 (5) A member of a regional emergency response team who is acting
6 under a contract under sub. (1) (2) is an employee of the state for purposes of worker's
7 compensation benefits.

8 **History:** 1991 a. 104; 1993 a. 253; 1995 a. 13; 1997 a. 27, 41; 1999 a. 9; 2001 a. 16; 2005 a. 33.

8 **SECTION 181.** 166.215 (5) of the statutes is renumbered 323.80 (6).

9 **SECTION 182.** 166.215 (5) of the statutes is renumbered 323.80 (6) and amended
10 to read:

11 323.80 (6) The division shall notify the joint committee on finance in writing,
12 before entering into a new contractual agreement under sub. (1) (2) or renewing or
13 extending a contractual agreement under sub. (1) (2), of the specific funding
14 commitment involved in that proposed new, renewed or extended contract. The
15 division shall include in that notification information regarding any anticipated
16 contractual provisions that involve state fiscal commitments for each fiscal year in
17 the proposed new, renewed or extended contract. The division may enter into a new
18 contractual agreement or renew or extend a contractual agreement, as proposed in
19 the notification to the joint committee on finance, if within 14 working days after
20 notification the committee does not schedule a meeting to review the division's
21 proposed action. If, within 14 working days after notification to the joint committee
22 on finance, the committee notifies the division that the committee has scheduled a
23 meeting to review the division's proposed action, the division may enter into the

1 proposed new contact or renew or extend the contract as proposed only if the
2 committee approves that action.

3 History: 1991 a. 104; 1993 a. 253; 1995 a. 13; 1997 a. 27, 41; 1999 a. 9; 2001 a. 16; 2005 a. 33.

3 **SECTION 183.** 166.22 (title) of the statutes is renumbered 323.81 (title).

4 **SECTION 184.** 166.22 (1) (intro.) of the statutes is renumbered 323.80 (1) (intro.)
5 and amended to read:

6 **323.80 (1) (intro.)** In this ~~section~~ subchapter:

7 History: 1989 a. 256; 1995 a. 13, 227, 247; 1997 a. 27; 2001 a. 16.

7 **SECTION 185.** 166.22 (1) (b), (c), and (d) of the statutes are renumbered 323.80
8 (1) (a), (b), and (c).

9 **SECTION 186.** 166.22 (2) and (3) of the statutes are renumbered 323.81 (2) and
10 (3).

11 **SECTION 187.** 166.22 (3m) of the statutes is renumbered 323.81 (3m) and
12 amended to read:

13 **323.81 (3m)** The division shall reimburse a local emergency response team for
14 costs incurred by the team in responding to an emergency involving a hazardous
15 substance release, or potential release, if the team followed the procedures in the
16 rules promulgated under s. ~~166.20 (2) (bs) 2.~~ 323.80 (7) (b) to determine if an
17 emergency requiring the team's response existed. Reimbursement under this
18 subsection is limited to the amount appropriated under s. 20.465 (3) (dr).
19 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency
20 response team has made a good faith effort to identify the person responsible under
21 sub. (4) and that person cannot be identified, or, if that person is identified, the team
22 has received reimbursement from that person to the extent that the person is

1 financially able or has determined that the person does not have adequate money or
2 other resources to reimburse the local emergency response team.

History: 1989 a. 256; 1995 a. 13, 227, 247; 1997 a. 27; 2001 a. 16.

3 **SECTION 188.** 166.22 (4) (a) of the statutes is renumbered 323.81 (4) (a).

4 **SECTION 189.** 166.22 (4) (b) of the statutes is renumbered 323.81 (4) (b) and
5 amended to read:

6 323.81 (4) (b) A local emergency response team may receive reimbursement
7 under par. (a) only if the team followed the procedures established under s. 166.20
8 ~~(2) (bs) 2.~~ 323.80 (7) (b) to determine if an emergency requiring the team's response
9 existed.

History: 1989 a. 256; 1995 a. 13, 227, 247; 1997 a. 27; 2001 a. 16.

10 **SECTION 190.** 166.22 (5) of the statutes is renumbered 323.81 (5).

11 **SECTION 191.** 166.22 (6) of the statutes is renumbered 323.81 (6).

12 **SECTION 192.** 166.23 (title) of the statutes is repealed.

13 **SECTION 193.** 166.23 (1) of the statutes is renumbered 323.11 and amended to
14 read:

15 **323.11 Declaration by local government.** ~~Notwithstanding any other~~
16 ~~provision of law to the contrary, the~~ The governing body of any county, city, village,
17 ~~or town is empowered to local unit of government may~~ declare, by ordinance or
18 resolution, an emergency existing within the county, city, village, or town local unit
19 of government whenever conditions arise by reason of war, conflagration, flood,
20 heavy snow storm, blizzard, catastrophe, disaster, a riot or civil commotion, acts of
21 God, and including conditions, without limitation because of enumeration, which
22 impair an enemy action, a disaster, or an imminent threat of a disaster, that impairs
23 transportation, food or fuel supplies, medical care, fire, health or police protection,
24 or other vital facilities critical systems of the county, city, village, or town local unit

1 of government. The period of the emergency shall be limited by the ordinance or
2 resolution to the time during which the emergency conditions exist or are likely to
3 exist.

4 **History:** 1993 a. 246; 1999 a. 150 s. 369; Stats. 1999 s. 166.23; 2005 a. 96; 2007 a. 20 s. 9121 (6) (a); 2007 a. 79.

5 **SECTION 194.** 166.23 (2) of the statutes is renumbered 323.16 (4) (a) and
6 amended to read:

7 323.16 (4) (a) The emergency power of the governing body conferred under sub-
8 (1) s. 323.11 includes the general authority to order, by ordinance or resolution,
9 whatever is necessary and expedient for the health, safety, protection, and welfare
10 and good order of the county, city, village, or town of persons and property within the
11 local unit of government in the emergency and includes without limitation because
12 of enumeration the power to bar, restrict, or remove all unnecessary traffic, both
13 vehicular and pedestrian, from the local highways, notwithstanding any provision
14 of chs. 341 to 349 or any other provisions of law. The governing body of the county,
15 city, village, or town may provide penalties for violation of any emergency ordinance
16 or resolution not to exceed a \$100 forfeiture or, in default of payment of the forfeiture,
17 6 months' imprisonment for each separate offense.

18 **History:** 1993 a. 246; 1999 a. 150 s. 369; Stats. 1999 s. 166.23; 2005 a. 96; 2007 a. 20 s. 9121 (6) (a); 2007 a. 79.

19 **SECTION 195.** 166.23 (2m) of the statutes is renumbered 323.16 (3) (a) and
20 amended to read:

21 323.16 (3) (a) If the governing body of a county, city, village, or town local unit
22 of government declares an emergency under sub- (1) s. 323.11 and intends to make
use of behavioral health providers, health care providers, pupil services providers,
or substance abuse prevention providers, as specified in s. 250.042 (4), the governing

1 body or its agent shall, as soon as possible, notify the department of health services
2 of this intent.

3 **History:** 1993 a. 246; 1999 a. 150 s. 369; Stats. 1999 s. 166.23; 2005 a. 96; 2007 a. 20 s. 9121 (6) (a); 2007 a. 79.

3 **SECTION 196.** 166.23 (3) of the statutes is renumbered 323.16 (4) (b) and
4 amended to read:

5 323.16 (4) (b) If, because of the emergency conditions, the governing body of the
6 ~~county, city, village, or town~~ local unit of government is unable to meet with
7 ~~promptness promptly~~, the chief executive officer or acting chief executive officer of
8 any ~~county, city, village, or town~~ local unit of government shall exercise by
9 proclamation all of the powers conferred upon the governing body under sub. (1) or
10 (2) which within the discretion of the officer appear necessary and expedient for the
11 purposes herein set forth. The proclamation shall be subject to ratification,
12 alteration, modification, or repeal by the governing body as soon as that body can
13 meet, but the subsequent action taken by the governing body shall not affect the prior
14 validity of the proclamation.

****NOTE: Is a proclamation still used?

15 **History:** 1993 a. 246; 1999 a. 150 s. 369; Stats. 1999 s. 166.23; 2005 a. 96; 2007 a. 20 s. 9121 (6) (a); 2007 a. 79.

15 **SECTION 197.** 166.25 of the statutes is renumbered 323.19 and amended to
16 read:

17 **323.19 Prohibition against restricting firearms or ammunition during**
18 **emergency.** A person who is granted emergency powers under ~~s. 166.03 or 166.23~~
19 this subchapter may not use those powers to restrict the lawful possession, transfer,
20 sale, transport, storage, display, or use of firearms or ammunition during an
21 emergency.

22 **History:** 2007 a. 87.

22 **SECTION 198.** 166.30 of the statutes is renumbered 323.90.

23 **SECTION 199.** 250.01 (6g) of the statutes is amended to read:

1 250.01 **(6g)** “Public health authority” means the department, if the governor
2 declares under s. ~~166.03 (1) (b) 1.~~ 323.10 a state of emergency related to public health
3 and designates the department as the lead state agency to respond to that
4 emergency.

History: 1993 a. 27 ss. 162, 322, 449; 1995 a. 27 s. 9126 (19); 1999 a. 9, 22; 2001 a. 16, 109; 2003 a. 158; 2005 a. 220; 2007 a. 20 s. 9121 (6) (a); 2007 a. 130.

5 **SECTION 200.** 250.01 (6r) of the statutes is amended to read:

6 250.01 **(6r)** “Public health emergency” has the meaning given in s. ~~166.02 (7)~~
7 323.02 (19).

History: 1993 a. 27 ss. 162, 322, 449; 1995 a. 27 s. 9126 (19); 1999 a. 9, 22; 2001 a. 16, 109; 2003 a. 158; 2005 a. 220; 2007 a. 20 s. 9121 (6) (a); 2007 a. 130.

8 **SECTION 201.** 250.03 (3) (a) (intro.) of the statutes is amended to read:

9 250.03 **(3)** (a) (intro.) No later than 90 days after a state of emergency relating
10 to public health is declared and the department is designated under s. ~~166.03 (1) (b)~~
11 ~~1.~~ 323.10 as the lead state agency to respond to that emergency and no later than 90
12 days after the termination of this state of emergency relating to public health, the
13 department shall submit to the legislature under s. 13.172 (2) and to the governor
14 a report on all of the following:

History: 1993 a. 27; 2001 a. 109; 2005 a. 198.

15 **SECTION 202.** 250.042 (1) of the statutes is amended to read:

16 250.042 **(1)** If the governor declares a state of emergency related to public
17 health under s. ~~166.03 (1) (b) 1.~~ 323.10 and designates the department as the lead
18 state agency to respond to that emergency, the department shall act as the public
19 health authority during the period of the state of emergency. The department shall
20 ensure that the emergency operations during the state of emergency are conducted
21 using the incident command system required under s. ~~166.03 (2) (a) 1~~ 323.13 (1) (b).
22 During the period of the state of emergency, the secretary may designate a local
23 health department as an agent of the department and confer upon the local health

1 department, acting under that agency, the powers and duties of the public health
2 authority.

3 **History:** 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; s. 13.92 (2) (i).

SECTION 203. 250.042 (4) (a) 1. of the statutes is amended to read:

4 250.042 (4) (a) 1. “Behavioral health provider” means an individual who, at any
5 time within 10 years before a state of emergency is declared under s. ~~166.03 (1) (b)~~
6 ~~1. 323.10~~ or ~~166.23 323.11~~, has, under chapter 455, been licensed as a psychologist
7 or has, under ch. 457, been certified as a social worker or licensed as a clinical social
8 worker, a marriage and family therapist, or a professional counselor.

9 **History:** 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; s. 13.92 (2) (i).

SECTION 204. 250.042 (4) (a) 3. of the statutes is amended to read:

10 250.042 (4) (a) 3. “Health care provider” means an individual who, at any time
11 within 10 years before a state of emergency is declared under s. ~~166.03 (1) (b) 1.~~
12 ~~323.10~~ or ~~166.23 323.11~~, has met requirements for a nurse aide under s. 146.40 (2)
13 (a), (c), (e), (em), or (g), has been licensed as a physician, a physician assistant, or a
14 podiatrist under ch. 448, licensed as a registered nurse, licensed practical nurse, or
15 nurse–midwife under ch. 441, licensed as a dentist under ch. 447, licensed as a
16 pharmacist under ch. 450, licensed as a veterinarian under ch. 453, or has been
17 certified as a respiratory care practitioner under ch. 448.

NOTE: NOTE: Subd. 3. is shown as amended eff. 1–1–09 by 2007 Wis. Act 153. Prior to 1–1–09 it reads:NOTE:

18 3. “Health care provider” means an individual who, at any time within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23, has
19 met requirements for a nurse’s assistant under s. 146.40 (2) (a), (b), (bm), (c), (e), (em), (f), or (g), has been licensed as a physician, a physician assistant, or a podiatrist
20 under ch. 448, licensed as a registered nurse, licensed practical nurse, or nurse–midwife under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under
21 ch. 450, licensed as a veterinarian under ch. 453, or has been certified as a respiratory care practitioner under ch. 448.

22 **History:** 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; s. 13.92 (2) (i).

SECTION 205. 250.042 (4) (a) 4. of the statutes is amended to read:

23 250.042 (4) (a) 4. “Pupil services provider” means an individual who, at any
24 time within 10 years before a state of emergency is declared under s. ~~166.03 (1) (b)~~
25 ~~1. 323.10~~ or ~~166.23 323.11~~, has been licensed as a school counselor, school

1 psychologist, or school social worker under rules promulgated by the department of
2 public instruction.

3 History: 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; s. 13.92 (2) (i).

3 **SECTION 206.** 250.042 (4) (a) 5. of the statutes is amended to read:

4 250.042 (4) (a) 5. “Substance abuse prevention provider” means an individual
5 who, at any time within 10 years before a state of emergency is declared under s.
6 ~~166.03 (1) (b) 1.~~ 323.10 or ~~166.23~~ 323.11, has been certified as a counselor, supervisor,
7 or specialist described under s. HFS 75.02 (11) and (84), Wis. Adm. Code, in effect on
8 January 20, 2006, or has been certified as a substance abuse counselor, clinical
9 supervisor, or prevention specialist under s. 440.88.

10 History: 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; s. 13.92 (2) (i).

10 **SECTION 207.** 250.042 (4) (b) of the statutes is amended to read:

11 250.042 (4) (b) A behavioral health provider, health care provider, pupil
12 services provider, or substance abuse prevention provider who, during a state of
13 emergency declared under s. ~~166.03 (1) (b) 1.~~ 323.10 or ~~166.23~~ 323.11, provides
14 behavioral health services, health care services, pupil services, or substance abuse
15 prevention services for which the behavioral health provider, health care provider,
16 pupil services provider, or substance abuse prevention provider has been licensed or
17 certified or, as a nurse aide, has met requirements under s. 146.40, is, for the
18 provision of these services a state agent of the department for purposes of ss. 165.25
19 (6), 893.82, and 895.46 and is an employee of the state for purposes of worker’s
20 compensation benefits. The behavioral health services, health care services, pupil
21 services, or substance abuse prevention services shall be provided on behalf of a
22 health care facility or mass clinic on a voluntary, unpaid basis, except that the
23 behavioral health provider, health care provider, pupil services provider, or
24 substance abuse prevention provider may accept reimbursement for travel, lodging,

1 and meals. The health care facility on whose behalf the services are provided is, for
2 the provision of the services, a state agent of the department for purposes of ss.
3 165.25 (6), 893.82, and 895.46.

NOTE: NOTE: Par. (b) is shown as amended eff. 1–1–09 by 2007 Wis. Act 153 and as affected by 2 acts of the 2007 Wisconsin legislature, as merged by the legislative reference bureau under s. 13.92 (2) (i). Prior to 1–1–09 it reads:NOTE:

4 (b) A behavioral health provider, health care provider, pupil services provider, or substance abuse prevention provider who, during a state of emergency declared
5 under s. 166.03 (1) (b) 1. or 166.23, provides behavioral health services, health care services, pupil services, or substance abuse prevention services for which the
6 behavioral health provider, health care provider, pupil services provider, or substance abuse prevention provider has been licensed or certified or, as a nurse's assistant,
7 has met requirements, is, for the provision of these services a state agent of the department for purposes of ss. 165.25 (6), 893.82, and 895.46 and is an employee of the
8 state for purposes of worker's compensation benefits. The behavioral health services, health care services, pupil services, or substance abuse prevention services shall
9 be provided on behalf of a health care facility or mass clinic on a voluntary, unpaid basis, except that the behavioral health provider, health care provider, pupil services
10 provider, or substance abuse prevention provider may accept reimbursement for travel, lodging, and meals. The health care facility on whose behalf the services are
11 provided is, for the provision of the services, a state agent of the department for purposes of ss. 165.25 (6), 893.82, and 895.46.

History: 2001 a. 109; 2003 a. 186; 2005 a. 96; 2007 a. 79, 99, 153; s. 13.92 (2) (i).

12 **SECTION 208.** 252.06 (10) (c) of the statutes is amended to read:

13 252.06 (10) (c) All expenses incurred by a local health department, or by an
14 entity designated as a local health department by a federally recognized American
15 Indian tribe or band in this state, in quarantining a person outside his or her home
16 during a state of emergency related to public health declared by the governor under
17 s. ~~166.03 (1) (b) 1.~~ 323.10 and not reimbursed from federal funds shall be paid for
18 under either of the following, as appropriate:

- 19 1. If the governor designates the department as the lead state agency under s.
20 ~~166.03 (1) (b) 1.~~ 323.10, from the appropriation under s. 20.435 (1) (c).
- 21 2. If the governor does not designate the department as the lead state agency
22 under s. ~~166.03 (1) (b) 1.~~ 323.10, from the appropriation under s. 20.465 (3) (e).

History: 1981 c. 291; 1983 a. 189 s. 329 (19); 1993 a. 27 s. 295; Stats. 1993 s. 252.06; 2001 a. 109; 2003 a. 186.

23 **SECTION 209.** 254.34 (1) (am) of the statutes is amended to read:

24 254.34 (1) (am) A rule identical to a rule specified under par. (a) may be
25 promulgated by a state agency other than the department and an ordinance identical
26 to a rule specified under par. (a) may be enacted by a local governmental unit, but
27 no rule may be promulgated or ordinance may be enacted that differs from a rule

1 under par. (a) and relates to the same subject area except as provided under ss.
2 ~~166.03 (2) (b) 6.~~ 323.13 (2) (f), 293.15 (8) and 293.25.

History: 1985 a. 29; 1985 a. 182 s. 57; 1987 a. 399; 1989 a. 31; 1993 a. 27 s. 228; Stats. 1993 s. 254.34; 1995 a. 27 ss. 6333, 6334, 9116 (5); 1997 a. 27; 1999 a. 9 ss. 2456 to 2462, 2475; 2001 a. 16.

3 **SECTION 210.** 256.08 (4) (i) of the statutes is amended to read:

4 **256.08 (4) (i)** Provide advice to the adjutant general of the department of
5 military affairs on the emergency medical aspects of the state plan of emergency
6 management under s. ~~166.03 (1) (b) 1.~~ 323.10 and coordinate emergency activities
7 with the department of military affairs.

History: 1993 a. 251, 491; 1995 a. 247; 2007 a. 130 ss. 117, 125 to 129; Stats. 2007 s. 256.08.

8 **SECTION 211.** 292.11 (12) (b) of the statutes is amended to read:

9 **292.11 (12) (b)** This section applies to all releases of hazardous substances for
10 which a notification must be made under s. ~~166.20 (5) (a) 2~~ 323.70 (5).

History: 1995 a. 227 ss. 700, 703 to 707, 710, 993; 1997 a. 27, 35; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 30; 2007 a. 20.

11 **SECTION 212.** 321.39 (1) (a) 3. of the statutes is amended to read:

12 **321.39 (1) (a) 3.** If the governor declares a state of emergency relating to public
13 health under s. ~~166.03 (1) (b) 1.~~ 323.10.

History: 1979 c. 221; 1991 a. 316; 1993 a. 246; 1999 a. 62, 136; 2005 a. 22; 2007 a. 200 ss. 38 to 40, 220 to 221; Stats. 2007 s. 321.39.

14 **SECTION 213.** 321.65 (1) (a) 2. of the statutes is amended to read:

15 **321.65 (1) (a) 2.** Active service with the state laboratory of hygiene under s.
16 36.25 (11) (em) for the purpose of assisting the department of health services under
17 s. 250.042 during a state of emergency relating to public health declared by the
18 governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

History: 2001 a. 26, 109; 2003 a. 33, 69; 2005 a. 22, 253; 2007 a. 20 s. 9121 (6) (a); 2007 a. 200 ss. 176 to 186; Stats. 2007 s. 321.65.

19 **SECTION 214.** Chapter 323 (title) of the statutes is created to read:

20 **CHAPTER 323**

21 **EMERGENCY MANAGEMENT**

22 **SECTION 215.** Subchapter I (title) of chapter 323 [precedes 323.01] of the
23 statutes is created to read:

1 SUBCHAPTER I

2 GENERAL PROVISIONS

3 **SECTION 216.** 323.02 (7) of the statutes is created to read:4 323.02 (7) “Disaster” means a severe or prolonged, natural or human–caused,
5 occurrence that threatens or negatively impacts life, health, property,
6 infrastructure, the environment, or critical systems, including agricultural systems.

***NOTE: Is “infrastructure” redundant to “critical systems”?

7 **SECTION 217.** 323.02 (12) of the statutes is created to read:

8 323.02 (12) “Law enforcement officer” has the meaning given in s. 165.85 (2)

9 (c).

10 **SECTION 218.** 323.02 (17) of the statutes is created to read:

11 323.02 (17) “Local unit of government” means a county, city, village, or town.

History: 1973 c. 321; 1975 c. 39 ss. 645 to 647d, 732 (2); 1975 c. 224; 1977 c. 29, 167; 1979 c. 321; 1981 c. 73, 380; 1981 c. 391 s. 211; 1983 a. 189; 1985 a. 120, 135; 1987 a. 70, 399; 1989 a. 31; 1989 a. 102 ss. 20, 21, 36 to 59; 1991 a. 39, 238; 1993 a. 27, 29, 105, 183, 251, 399; 1997 a. 79, 191, 237; 1999 a. 7, 56; 2001 a. 109; 2005 a. 25, 486; 2007 a. 104; 2007 a. 130 ss. 50 to 52, 55 to 57, 63 to 66, 69, 71 to 104; Stats. 2007 s. 256.15; s. 13.92 (1) (bm) 2.

12 **SECTION 219.** Subchapter II (title) of chapter 323 [precedes 323.10] of the

13 statutes is created to read:

14 SUBCHAPTER II

15 POWERS AND DUTIES RELATED TO EMERGENCY MANAGEMENT

16 **SECTION 220.** 323.12 (title) of the statutes is created to read:17 **323.12 (title) Governor; powers and duties.**18 **SECTION 221.** 323.12 (1) (intro.) of the statutes is created to read:

19 323.12 (1) CONTINUING DUTIES. The governor shall do all of the following:

20 **SECTION 222.** 323.12 (2) (intro.) of the statutes is created to read:

21 323.12 (2) CONTINUING POWERS. The governor may do all of the following:

22 **SECTION 223.** 323.12 (4) (intro.) of the statutes is created to read:

1 323.12 (4) POWERS DURING AN EMERGENCY. The governor may do all of the
2 following during a state of emergency ~~proclaimed~~ declared under s. 323.10:

3 **SECTION 224.** 323.13 (title) of the statutes is created to read:

4 **323.13 (title) Adjutant general; powers and duties.**

5 **SECTION 225.** 323.13 (1) (title) of the statutes is created to read:

6 323.13 (1) (title) CONTINUING DUTIES.

7 **SECTION 226.** 323.13 (1) (a) of the statutes is created to read:

8 323.13 (1) (a) Serve as the governor's principal assistant for directing and
9 coordinating emergency management activities.

10 **SECTION 227.** 323.13 (2) (h) of the statutes is created to read:

11 323.13 (2) (h) Make grant payments for disaster assistance under ss. 323.30
12 and 323.31

History: 1971 c. 211 s. 126; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 1; 1977 c. 397; 1979 c. 361 ss. 51, 55, 112, 113; 1981 c. 20, 211; 1983 a. 27; 1985 a. 29, 31; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 213, 251; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 247, 467; 1997 a. 27, 35, 237; 1999 a. 150 s. 672; 2001 a. 109; 2003 a. 33, 186; 2005 a. 253, 257, 269, 459; 2007 a. 20 s. 9121 (6) (a).

13 **SECTION 228.** 323.16 (1) (title) of the statutes is created to read:

14 323.16 (1) (title) CONTINUING DUTIES.

15 **SECTION 229.** 323.16 (2) (title) of the statutes is created to read:

16 323.16 (2) (title) CONTINUING POWERS.

17 **SECTION 230.** 323.16 (2) (a) of the statutes is created to read:

18 323.16 (2) (a) The governing body of a local unit of government may appropriate
19 funds and levy taxes for its emergency management program under sub. (1).

20 **SECTION 231.** 323.16 (3) (title) of the statutes is created to read:

21 323.16 (3) (title) DUTIES DURING AN EMERGENCY.

22 **SECTION 232.** 323.16 (4) (title) of the statutes is created to read:

23 323.16 (4) (title) POWERS DURING AN EMERGENCY.

24 **SECTION 233.** 323.17 (title) of the statutes is created to read:

SUBCHAPTER IV

LIABILITY AND EXEMPTIONS

SECTION 240. 323.40 of the statutes is created to read:

323.40 Responsibility for worker's compensation and liability. (1) An employee of a local unit of government's emergency management program is an employee of that local unit of government for worker's compensation under ch. 102, and for issues related to a legal action under ss. 893.80, 895.35, and 895.46, unless the responsibility to pay worker's compensation benefits or issues related to the legal action under ss. 893.80, 895.35 and 895.46 are assigned as provided under s. 66.0313 or under an agreement between the local unit of government and the state or another local unit of government.

(2) A volunteer who registers in writing with a local unit of government's emergency management program is an employee of the local unit of government for worker's compensation under ch. 102, and for issues related to a legal action under ss. 893.80, 895.35, and 895.46, for the duration of the time provided in the written registration.

***NOTE: Do we need the duration language?

(3) (a) In any calendar year, if the amount the local unit of government is liable for under sub. (1) or (2) plus costs incurred under s. 323.41 exceed \$1 per capita of the local unit of government's population, the state shall reimburse the local unit of government the amount of the excess.

(b) In addition, the state shall reimburse a local unit of government for any future expenses for worker's compensation and expenses under ss. 893.80, 895.35 and 895.46 that result from an incident that occurred in a calendar year for which the state reimbursed the local unit of government under par. (a).

1 (c) The reimbursement under this subsection shall be made from the
2 appropriation in s. 20.465 (3) (a) upon approval of the adjutant general.

3 **SECTION 241.** Subchapter V (title) of chapter 323 [precedes 323.50] of the
4 statutes is created to read:

5 SUBCHAPTER V

6 EMERGENCY LOCATION AND CONTINUITY OF GOVERNMENT

7 **SECTION 242.** Subchapter VII (title) of chapter 323 [precedes 323.70] of the
8 statutes is created to read:

9 SUBCHAPTER VII

10 EMERGENCY PLANNING

11 **SECTION 243.** Subchapter VIII (title) of chapter 323 [precedes 323.80] of the
12 statutes is created to read:

13 SUBCHAPTER VIII

14 EMERGENCY RESPONSE TEAMS

15 **SECTION 244.** Subchapter IX (title) of chapter 323 [precedes 323.90] of the
16 statutes is created to read:

17 SUBCHAPTER IX

18 EMERGENCY MANAGEMENT ASSISTANCE COMPACT

19 **SECTION 245.** 341.04 (intro.) of the statutes is amended to read:

20 **341.04** (intro.) Except during a state of emergency proclaimed under ch. 166

21 323:

History: 1973 c. 218; 1975 c. 351; 1977 c. 29 s. 1654 (7) (a); 1977 c. 56; 1979 c. 274; 1979 c. 361 s. 113; 1983 a. 469; 1989 a. 31; 1991 a. 39; 1993 a. 288; 1997 a. 27; 1999 a. 9, 80, 186; 2007 a. 137.

22 **SECTION 246.** 450.145 (1) (c) of the statutes is amended to read:

1 450.145 (1) (c) The dispensing of a prescription by the pharmacist or pharmacy
2 for treatment of a disease that is relatively uncommon or may be associated with
3 bioterrorism, as defined in s. ~~166.02 (1r)~~ 323.02 (4).

History: 2005 a. 198 ss. 18 to 21; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97 s. 183.

4 **SECTION 247.** 801.50 (3m) of the statutes is created to read:

5 801.50 (3m) Venue in an action related to hazardous substance releases under
6 s. 323.50 (8) or (9) shall be in the county as provided under s. 323.70 (10).

7 **SECTION 248.** 895.483 (1) of the statutes is amended to read:

8 895.483 (1) A regional emergency response team, a member of such a team, and
9 a local agency, as defined in s. ~~166.22 (1) (e)~~ 323.80 (1) (c), that contracts with the
10 division of emergency management in the department of military affairs for the
11 provision of a regional emergency response team, are immune from civil liability for
12 acts or omissions related to carrying out responsibilities under a contract under s.
13 166.215 (1).

History: 1991 a. 104; 1995 a. 13, 201; 1997 a. 27; 2001 a. 16.

14 **SECTION 249.** 895.483 (2) of the statutes is amended to read:

15 895.483 (2) A local emergency response team, a member of such a team and the
16 county, city, village, or town that contracts to provide the emergency response team
17 to the county are immune from civil liability for acts or omissions related to carrying
18 out responsibilities pursuant to a designation under s. ~~166.21 (2m) (e)~~ 323.71 (2m)
19 (c).

History: 1991 a. 104; 1995 a. 13, 201; 1997 a. 27; 2001 a. 16.

20 **SECTION 250.** 895.483 (3) of the statutes is amended to read:

21 895.483 (3) A local emergency planning committee created under s. 59.54 (8)
22 (a) 1. that receives a grant under s. ~~166.21~~ 323.71 is immune from civil liability for
23 acts or omissions related to carrying out responsibilities under s. ~~166.21~~ 323.71.

History: 1991 a. 104; 1995 a. 13, 201; 1997 a. 27; 2001 a. 16.

1 **SECTION 251.** 895.51 (2m) of the statutes is amended to read:

2 895.51 **(2m)** Any person engaged in the manufacturing, distribution, or sale
3 of qualified emergency household products, for profit or not for profit, who donates
4 or sells, at a price not to exceed overhead and transportation costs, qualified
5 emergency household products to a charitable organization or governmental unit in
6 response to a state of emergency declared under s. ~~166.03 (1) (b) 1. or 166.23~~ 323.10
7 or 323.11 is immune from civil liability for the death of or injury to an individual
8 caused by the qualified emergency household product donated or sold by the person.

History: 1981 c. 219; 1983 a. 189 s. 329 (20); 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 108; 1991 a. 39; 2005 a. 155; 2007 a. 79.

9 **SECTION 252.** 895.55 (2) (intro.) of the statutes is amended to read:

10 895.55 **(2)** (intro.) Notwithstanding any provision of s. 93.57, 299.11, 299.13,
11 299.31, 299.43, 299.45, 299.51, 299.53 or 299.55, subchs. II and IV of ch. 30, ch. 29,
12 ~~166~~ 323, 281, 283, 289, 291 or 292 or subch. II of ch. 295, or any other provision of
13 this chapter, a person is immune from liability for damages resulting from the
14 person's acts or omissions and for the removal costs resulting from the person's acts
15 or omissions if all of the following conditions are met:

History: 1995 a. 192; 1997 a. 35, 252; 2003 a. 33.

16 **SECTION 253.** 979.012 (1) of the statutes is amended to read:

17 979.012 **(1)** If a coroner or medical examiner is aware of the death of a person
18 who, at the time of his or her death, had an illness or a health condition that satisfies
19 s. ~~166.02 (7) (a)~~ 323.02 (19) or if the coroner or medical examiner knows or suspects
20 that the person had a communicable disease that, under rules promulgated by the
21 department of health services, must be reported to a local health officer or to the state
22 epidemiologist, the coroner or medical examiner shall report the illness, health
23 condition, or communicable disease to the department of health services and to the
24 local health department, as defined in s. 250.01 (4), in whose jurisdiction the coroner

1 or medical examiner is located in writing or by electronic transmission within 24
2 hours of learning of the deceased's illness, health condition, or communicable
3 disease.

4 **History:** 2001 a. 109; 2005 a. 198; 2007 a. 20 s. 9121 (6) (a).

(END)