



State of Wisconsin  
2009 – 2010 LEGISLATURE

LRB-0166/P6  
RPN&RLR:jld:ph

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1        **AN ACT** *to repeal* chapter 166 (title), 166.02 (2), 166.02 (5), 166.02 (6u), 166.03  
2            (title), 166.03 (1) (title) and (a) (intro.), 166.03 (2) (title), 166.03 (2) (a) 4., 166.03  
3            (3), 166.03 (5) (title), 166.03 (7) (title), 166.03 (7) (c), 166.06 (3), 166.08 (1),  
4            166.08 (2) (a), 166.08 (5), 166.08 (6) (title), 166.10 (intro.), 166.20 (1) (fm), 166.20  
5            (1) (gm), 166.20 (1) (im), 166.20 (5) (b), 166.20 (9) (e), 166.23 (title), 250.042 (4)  
6            (a) (intro.) and 250.042 (4) (c); *to renumber* 166.01 (title), 166.02 (intro.),  
7            166.02 (1g), 166.02 (1m), 166.02 (1p), 166.02 (1r), 166.02 (3), 166.02 (6m),  
8            166.02 (6r), 166.02 (7), 166.03 (1) (a) 1., 166.03 (1) (b) 2., 166.03 (2) (a) 5., 166.03  
9            (2) (b) 3., 166.03 (2) (b) 4., 166.03 (2) (b) 7., 166.03 (14) (title), 166.05 (title),  
10           166.10 (1) to (5), 166.15 (title), 166.15 (1) (intro.), (a), (b), (c) and (d), 166.15 (1)  
11           (f) to (k), (2), (3), (4) and (5), 166.20 (title), 166.20 (1) (b) and (c), 166.20 (1) (e)  
12           and (f), 166.20 (1) (g), 166.20 (1) (gi), 166.20 (1) (h) and (i), 166.20 (1) (k), 166.20  
13           (2) (b), 166.20 (2) (c), 166.20 (2) (e), 166.20 (2) (f), 166.20 (3) (a), 166.20 (5) (title),  
14           166.20 (5) (a) 1., 2. and 3., 166.20 (5m) and (6), 166.20 (7) (title), 166.20 (9) (title),  
15           166.20 (9) (b), 166.20 (9) (c) 1., 166.20 (10), 166.21 (title), 166.21 (1) (title),  
16           166.21 (2m) (intro.) and (a) to (e), 166.215 (title), 166.215 (3) (a), 166.215 (3) (b),

1 166.22 (title), 166.22 (2), 166.22 (4) (a), 166.22 (5), 166.22 (6), 166.30, 250.042  
2 (4) (a) 2. and 250.042 (4) (a) 3m.; **to renumber and amend** 16.61 (3) (d), 94.77,  
3 166.01, 166.02 (1t), 166.02 (4), 166.02 (8), 166.03 (1) (a) 2., 166.03 (1) (a) 3.,  
4 166.03 (1) (a) 4., 166.03 (1) (b) 3., 166.03 (1) (b) 4., 166.03 (1) (b) 5., 166.03 (1)  
5 (b) 6., 166.03 (1) (b) 8., 166.03 (2) (a) (intro.), 166.03 (2) (a) 1., 166.03 (2) (a) 2.,  
6 166.03 (2) (a) 3., 166.03 (2) (a) 6., 166.03 (2) (b) (intro.), 166.03 (2) (b) 1., 166.03  
7 (2) (b) 2., 166.03 (2) (b) 5., 166.03 (2) (b) 6., 166.03 (2) (b) 8., 166.03 (2) (b) 9.,  
8 166.03 (4) (title), 166.03 (4) (a), 166.03 (4) (b), 166.03 (4) (c), 166.03 (4) (d), 166.03  
9 (5) (a), 166.03 (5) (b), 166.03 (5) (c), 166.03 (5) (d), 166.03 (5a), 166.03 (6), 166.03  
10 (7) (a), 166.03 (7) (b), 166.03 (8) (title), 166.03 (8) (a) to (c), 166.03 (9), 166.03  
11 (10), 166.03 (11), 166.03 (12), 166.03 (13), 166.03 (14), 166.04, 166.05 (1), 166.05  
12 (2), 166.06 (title), 166.06 (1), 166.06 (2), 166.07 (title), 166.07, 166.08 (title),  
13 166.08 (2) (intro.), 166.08 (2) (b), 166.08 (2) (c), 166.08 (2) (d), 166.08 (2) (e),  
14 166.08 (3), 166.08 (4), 166.08 (6), 166.08 (7), 166.08 (8), 166.08 (9), 166.08 (10),  
15 166.08 (11), 166.09, 166.15 (1) (e), 166.20 (1) (intro.), 166.20 (1) (d), 166.20 (1)  
16 (ge), 166.20 (1) (gk), 166.20 (1) (j), 166.20 (2) (intro.), 166.20 (2) (a), 166.20 (2)  
17 (bg), 166.20 (2) (bm), 166.20 (2) (bs) 1., 166.20 (2) (bs) 2., 166.20 (2) (d), 166.20  
18 (3) (intro.), 166.20 (3) (b), 166.20 (3) (c), 166.20 (4), 166.20 (4m), 166.20 (5) (a)  
19 4., 5. and 6., 166.20 (7) (a) (intro.), 166.20 (7) (a) 1., 166.20 (7) (a) 2., 166.20 (7)  
20 (b), (d), (dm) and (e), 166.20 (7m) and (8), 166.20 (9) (a), 166.20 (11), 166.21 (1)  
21 (a), 166.21 (1) (b) and (2), 166.21 (2m) (f), 166.21 (3), (4) and (5), 166.215 (1),  
22 166.215 (2), 166.215 (3) (intro.), 166.215 (4), 166.215 (5), 166.22 (1) (intro.),  
23 166.22 (1) (b), (c) and (d), 166.22 (3), 166.22 (3m), 166.22 (4) (b), 166.23 (1),  
24 166.23 (2), 166.23 (2m), 166.23 (3), 166.25, 250.042 (4) (a) 1., 250.042 (4) (a) 3.,  
25 250.042 (4) (a) 4., 250.042 (4) (a) 5. and 250.042 (4) (b); **to consolidate,**

1           **renumber and amend** 166.03 (1) (b) (intro.) and 1.; **to amend** 17.025 (4) (c),  
2           20.370 (3) (ma), 20.370 (3) (mu), 20.465 (1) (h), 20.465 (3) (b), 20.465 (3) (dd),  
3           20.465 (3) (dp), 20.465 (3) (dr), 20.465 (3) (e), 20.465 (3) (f), 20.465 (3) (g), 20.465  
4           (3) (h), 20.465 (3) (i), 20.465 (3) (jm), 20.465 (3) (jt), 20.465 (3) (r), 20.465 (3) (s),  
5           23.114 (1) (c), 50.36 (3d) (a) 1., 50.36 (3d) (a) 2., 59.54 (8) (a) 1., 59.54 (8) (a) 3.,  
6           59.54 (8) (b) 2., 60.23 (20), 60.24 (1) (e) 3., 66.0312 (3), 66.03125 (3), 66.0314 (1)  
7           (a), 66.0314 (2) (a), 66.0314 (2) (b) 1., 101.985 (2) (c), 102.07 (7m), 102.29 (10),  
8           102.475 (1), 110.07 (1) (a) 1., 115.01 (10) (a) 2., 115.812 (3) (b) 1., 157.055 (2)  
9           (intro.), 165.25 (6) (b), 250.01 (intro.), 250.01 (6g), 250.01 (6r), 250.03 (3) (a)  
10          (intro.), 250.042 (1), 252.06 (10) (c), 254.34 (1) (am), 256.08 (4) (i), 256.15 (2),  
11          292.11 (12) (b), 321.39 (1) (a) 3., 321.65 (1) (a) 2., 323.50 (1), 323.53 (1), 323.53  
12          (2) (b) (intro.), 323.54 (1), 323.55 (3), 341.04 (intro.), 440.88 (5), 441.06 (4),  
13          441.10 (3) (c), 441.15 (2) (intro.), 441.15 (5) (a) 5., 445.04 (2), 447.03 (1) (intro.),  
14          448.03 (2) (p), 448.03 (3) (a) (intro.), 448.03 (3) (b), 448.03 (3) (e), 448.61, 448.66,  
15          450.03 (1) (h), 450.145 (1) (c), 453.05 (1), 455.02 (1m), 455.02 (3m), 457.04  
16          (intro.), 893.82 (2) (d) 1n., 895.46 (5) (am), 895.483 (1), 895.483 (2), 895.483 (3),  
17          895.51 (2m), 895.55 (2) (intro.) and 979.012 (1); **to repeal and recreate** 95.50;  
18          **to create** 14.38 (10m), 50.36 (6), 94.77 (2), 94.77 (3), 115.01 (10) (a) 3., chapter  
19          257 (title), 257.01 (intro.), 257.01 (1) (b) and (c), 257.01 (2), 257.01 (3), 257.01  
20          (5) (b) and (c), 257.01 (7), 257.01 (8), 257.01 (9) (b) and (c), 257.01 (10), 257.01  
21          (11) (b) and (c), 257.01 (12), 257.02, 257.03 (title), 257.03 (1) (b), (c) and (d),  
22          257.03 (2), 257.03 (3), 257.04, chapter 323 (title), subchapter I (title) of chapter  
23          323 [precedes 323.01], 323.02 (6), 323.02 (10), 323.02 (15), 323.02 (17), 323.02  
24          (19), subchapter II (title) of chapter 323 [precedes 323.10], 323.12 (title), 323.12  
25          (1) (intro.), 323.12 (2) (intro.), 323.12 (4) (intro.), 323.13 (title), 323.13 (1) (title),

1           323.13 (1) (a), 323.13 (2) (h), 323.14 (1) (title), 323.14 (1) (a) 1., 323.14 (2) (title),  
2           323.14 (2) (a), 323.14 (3) (title), 323.14 (4) (title), 323.15 (title), 323.15 (1) (title),  
3           323.17, 323.18, 323.19, 323.28 (2), subchapter III (title) of chapter 323 [precedes  
4           323.30], subchapter IV (title) of chapter 323 [precedes 323.40], 323.40, 323.41  
5           (title), (1), (2), (3), (4) and (6), 323.42, 323.45 (4), subchapter V (title) of chapter  
6           323 [precedes 323.50], 323.55 (title), subchapter VI (title) of chapter 323  
7           [precedes 323.60], subchapter VII (title) of chapter 323 [precedes 323.70],  
8           subchapter VIII (title) of chapter 323 [precedes 323.80] and 801.50 (3m) of the  
9           statutes; and *to affect* Laws of 1965, chapter 583, section 9; **relating to:**  
10          emergency management, succession of public offices, liability and licensure of  
11          emergency volunteers, disaster relief, ratification of the pest control compact,  
12          transportation and disposal of animal carcasses, the plant industry,  
13          computation of school days, variance for hospital requirements, public works  
14          mutual assistance, emergencies related to computer or telecommunication  
15          systems, and providing penalties.

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***Analysis by the Legislative Reference Bureau***

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

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

16           **SECTION 1.** 14.38 (10m) of the statutes is created to read:

17           **14.38 (10m) NOTIFICATION OF CONSTITUTIONAL AMENDMENT.** If an amendment to  
18          the Wisconsin Constitution is approved that requires the legislature to provide for  
19          temporary succession to the powers and duties of public offices for the period of an  
20          emergency resulting from a cause other than an enemy action, within 30 days after

1 the government accountability board records the approval under s. 7.70 (3) (h), notify  
2 the legislature that the amendment has been approved.

3 **SECTION 2.** 16.61 (3) (d) of the statutes is renumbered 16.61 (3) (d) (intro.) and  
4 amended to read:

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

10 **SECTION 3.** 17.025 (4) (c) of the statutes is amended to read:

11 17.025 (4) (c) *Secretary of state; state treasurer.* When the temporary vacancy  
12 exists in the office of secretary of state or in the office of state treasurer, the duties  
13 of the office shall be assumed, respectively, by the first emergency interim successor  
14 designated under s. ~~166.08 (4)~~ 323.53 (2) or, if no such designation has been made for  
15 the respective office, then by a deputy appointed by the governor.

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

17 20.370 (3) (ma) *General program operations — state funds.* From the general  
18 fund, the amounts in the schedule for regulatory and enforcement operations under  
19 chs. 30, 31 and 280 to 299 and ss. 44.47, 59.692, 59.693, 61.351, 61.354, 62.231,  
20 62.234 and 87.30, for reimbursement of the conservation fund for expenses incurred  
21 for actions taken under s. ~~166.04~~ 323.12 (2) (c); for review of environmental impact  
22 requirements under ss. 1.11 and 23.40; and for enforcement of the treaty-based,  
23 off-reservation rights to fish, hunt and gather held by members of federally  
24 recognized American Indian tribes or bands.

25 **SECTION 5.** 20.370 (3) (mu) of the statutes is amended to read:

1           20.370 **(3)** (mu) *General program operations — state funds.* The amounts in  
2 the schedule for law enforcement operations under ss. 23.09 to 23.11, 90.21, and  
3 ~~166.04~~ 323.12 (2) (c) and chs. 29, 30, and 169 and for review of environmental impact  
4 requirements under ss. 1.11 and 23.40.

5           **SECTION 6.** 20.465 (1) (h) of the statutes is amended to read:

6           20.465 **(1)** (h) *Intergovernmental services.* The amounts in the schedule to  
7 provide services to local units of government for fire, crash and rescue emergencies  
8 and to provide assistance under s. ~~166.30~~ 323.80. All moneys received from local  
9 units of government for services provided for fire, crash, and rescue emergencies and  
10 as reimbursement from other states and territories for any losses, damages, or  
11 expenses incurred when units or members of the Wisconsin national guard are  
12 activated in state status to provide assistance under s. ~~166.30~~ 323.80 shall be  
13 credited to this appropriation.

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

15           20.465 **(3)** (b) *Major State disaster assistance.* The amounts in the schedule to  
16 provide payments under s. ~~166.03 (2) (b) 9.~~ 323.31 for damages and costs incurred  
17 as the result of a major disaster.

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

19           20.465 **(3)** (dd) *Regional emergency response teams.* The amounts in the  
20 schedule for payments to regional emergency response teams under s. ~~166.215 (1)~~  
21 323.70 (2).

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

23           20.465 **(3)** (dp) *Emergency response equipment.* The amounts in the schedule  
24 for grants for the costs of computers and emergency response equipment under s.  
25 ~~166.21~~ 323.61 (2) (br).

1           **SECTION 10.** 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)~~ 323.70  
5 (3) or (4) and for response costs of a local agency that are not reimbursed under s.  
6 ~~166.22~~ 323.71 (4).

7           **SECTION 11.** 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.

13           **SECTION 12.** 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) (e).

16           **SECTION 13.** 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  
22 from assessments and contributions under s. ~~166.03 (2) (b) 6. and 7.~~ 323.13 (2) (f) and  
23 (g) shall be credited to this appropriation.

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

1           20.465 (3) (h) *Interstate emergency assistance.* The amounts in the schedule  
2 to provide assistance under s. ~~166.30~~ 323.80. All moneys received under s. ~~166.30~~  
3 323.80 (9) as reimbursement from other states and territories for any losses,  
4 damages, or expenses incurred when the division of emergency management  
5 provides assistance under s. ~~166.30~~ 323.80 shall be credited to this appropriation  
6 account.

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

8           20.465 (3) (i) *Emergency planning and reporting; administration.* From the  
9 moneys received by the division of emergency management from fees assessed under  
10 s. ~~166.20~~ 323.60 (7), the amounts in the schedule for emergency planning,  
11 notification and response and reporting activities under s. ~~166.20~~ 323.60 and  
12 administration of the grant program under s. ~~166.21~~ 323.61.

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

14           20.465 (3) (jm) *Division of emergency management; emergency planning*  
15 *grants.* All moneys received by the division of emergency management from fees  
16 assessed under s. ~~166.20~~ 323.60 (7), except moneys appropriated under par. (i) for the  
17 payment of grants under s. ~~166.21~~ 323.61, except grants under s. ~~166.21~~ (2) (b) (r)  
18 323.61 (2) (br).

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

20           20.465 (3) (jt) *Regional emergency response reimbursement.* All moneys  
21 received by the division of emergency management under s. ~~166.215~~ (3) 323.70 (4)  
22 for reimbursement of regional emergency response teams under s. ~~166.215~~ (2) 323.70  
23 (3).

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



1           20.465 (3) (r) *Division of emergency management; petroleum inspection fund.*  
2           From the petroleum inspection fund, the amounts in the schedule for the payment  
3           of emergency planning grants under s. ~~166.21~~ 323.61.

4           **SECTION 19.** 20.465 (3) (s) of the statutes is amended to read:

5           20.465 (3) (s) *Major State disaster assistance; petroleum inspection fund.* From  
6           the petroleum inspection fund, as a continuing appropriation, the amounts in the  
7           schedule to provide payments for damages and costs incurred as the result of a ~~major~~  
8           disaster.

9           **SECTION 20.** 23.114 (1) (c) of the statutes is amended to read:

10          23.114 (1) (c) Paragraph (b) does not apply to a state of emergency declared by  
11          the governor under s. ~~166.03~~ 323.10 and does not supersede the authority of the  
12          department of agriculture, trade and consumer protection under ch. 94.

13          **SECTION 21.** 50.36 (3d) (a) 1. of the statutes is amended to read:

14          50.36 (3d) (a) 1. The health care provider seeks to provide care at the hospital  
15          during a period of a state of emergency related to public health declared by the  
16          governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

17          **SECTION 22.** 50.36 (3d) (a) 2. of the statutes is amended to read:

18          50.36 (3d) (a) 2. The health care provider does not have staff privileges at the  
19          hospital at the time that the state of emergency related to public health is declared  
20          by the governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

      \*\*\*NOTE: Current law requires hospitals to have a system for granting staff  
privileges during a state of emergency declared by the governor that is related to public  
health. Should the draft require hospitals to have a system for granting staff privileges  
during any kind of declared emergency to better fit with proposed ch. 257, which  
indemnifies volunteer health practitioners acting during any type of declared  
emergency?

21          **SECTION 23.** 50.36 (6) of the statutes is created to read:

1           50.36 **(6)** (a) The secretary or his or her designee may grant a variance to a  
2 statute affecting hospitals or a rule of the department affecting hospitals if all of the  
3 following apply:

4           1. The secretary or his her designee determines that disaster, as defined in s.  
5 323.02 (6), has occurred.

6           2. A hospital has requested the variance.

7           3. The secretary or his her designee determines that the variance is necessary  
8 to protect the public health, safety, or welfare.

9           (b) A variance granted under par. (a) shall be for a stated term not to exceed  
10 90 days, except that the secretary or his her designee may extend the variance upon  
11 request by the hospital if he or she determines that an extension is necessary to  
12 protect the public health, safety, or welfare.

      \*\*\*\*NOTE: The language of this subsection is based on similar authority given to the  
pharmacy examining board under s. 450.02 (3m), stats., as created by 2005 Wisconsin Act  
270.

13           **SECTION 24.** 59.54 (8) (a) 1. of the statutes is amended to read:

14           59.54 **(8)** (a) 1. Create a local emergency planning committee, with members  
15 as specified in 42 USC 11001 (c), which shall have the powers and the duties  
16 established for such committees under 42 USC 11000 to 11050 and under ss. ~~166.20~~  
17 323.60 and ~~166.21~~ 323.61.

18           **SECTION 25.** 59.54 (8) (a) 3. of the statutes is amended to read:

19           59.54 **(8)** (a) 3. Within the availability of state funds, take all actions that are  
20 necessary to ensure that the committee created under this paragraph properly  
21 executes the duties of a local emergency planning committee under 42 USC 11000  
22 to 11050 and under ss. ~~166.20~~ 323.60 and ~~166.21~~ 323.61.

23           **SECTION 26.** 59.54 (8) (b) 2. of the statutes is amended to read:

1           59.54 **(8)** (b) 2. Implement programs and undertake activities which are  
2 designed to prepare the county to cope with emergencies involving the accidental  
3 release of hazardous substances and which are consistent with, but in addition to,  
4 the minimum requirements of s. ~~166.20~~ 323.60 and 42 USC 11000 to 11050.

5           **SECTION 27.** 60.23 (20) of the statutes is amended to read:

6           60.23 **(20)** DISPOSITION OF DEAD ANIMALS. Notwithstanding ~~ss. s.~~ 59.54 (21) and  
7 95.50 (3), dispose of any dead animal within the town or contract for the removal and  
8 disposition with any private disposal facility. A town may enter into a contract with  
9 any other governmental unit under s. 66.0301 to provide for the removal and  
10 disposition. A town may recover its costs under this subsection by imposing a special  
11 charge under s. 66.0627.

12           **SECTION 28.** 60.24 (1) (e) 3. of the statutes is amended to read:

13           60.24 **(1)** (e) 3. Obtain necessary assistance, if available, in case of emergency,  
14 except as provided under ch. ~~166~~ 323.

15           **SECTION 29.** 66.0312 (3) of the statutes is amended to read:

16           66.0312 **(3)** This section does not apply during a state of emergency declared  
17 by the governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

18           **SECTION 30.** 66.03125 (3) of the statutes is amended to read:

19           66.03125 **(3)** This section does not apply during a state of emergency declared  
20 by the governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

21           **SECTION 31.** 66.0314 (1) (a) of the statutes is amended to read:

22           66.0314 **(1)** (a) “Emergency management program” means the emergency  
23 management program of a city, village, town, or county, under s. ~~166.03 (4) (a)~~ 323.14  
24 (1).

25           **SECTION 32.** 66.0314 (2) (a) of the statutes is amended to read:

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

      \*\*\*\*NOTE: Should this paragraph also refer to a “state of emergency” declared by  
a local unit of government?

7           **SECTION 33.** 66.0314 (2) (b) 1. of the statutes is amended to read:

8           66.0314 **(2)** (b) 1. The responding agency meets the personnel and equipment  
9           requirements in the state plan under s. 166.03 ~~(2) (a) 1. 323.13 (1) (b).~~

10          **SECTION 34.** 94.77 of the statutes is renumbered 94.77 (1) and amended to read:

11          94.77 **(1)** Any person who violates any provision of this chapter for which a  
12          specific penalty is not prescribed ~~shall, or an order issued or rule promulgated under~~  
13          such a provision, may be fined not to exceed \$200 more than \$1,000 for the first  
14          offense and may be fined not less than \$500 nor more than \$5,000 or imprisoned in  
15          the county jail not to exceed for not more than 6 months or both for each subsequent  
16          offense.

17          **SECTION 35.** 94.77 (2) of the statutes is created to read:

18          94.77 **(2)** In lieu of the criminal penalty under sub. (1), a person who violates  
19          any provision of this chapter for which a specific penalty is not prescribed, or an order  
20          issued or rule promulgated under such a provision, may be required to forfeit not less  
21          than \$200 nor more than \$5,000 or, for an offense committed within 5 years of an  
22          offense for which a penalty has been assessed under this section, may be required to  
23          forfeit not less than \$400 nor more than \$10,000.

1           **SECTION 36.** 94.77 (3) of the statutes is created to read:

2           94.77 (3) The department may seek an injunction restraining any person from  
3 violating this chapter or a rule promulgated under this chapter.

4           **SECTION 37.** 95.50 of the statutes is repealed and recreated to read:

5           **95.50 Transportation and disposal of animal carcasses. (1) DEFINITIONS.**

6           In this section:

7           (a) “Carcass” means the dead body, or any part of the dead body, of a livestock  
8 animal or other domestic animal.

9           (b) Notwithstanding s. 95.001 (2), “contagious or infectious disease” means a  
10 disease that is spread by contact, bodily secretions, or fomites or that is caused by a  
11 pathogenic agent.

12           (c) “Diseased carcass” means the carcass of a livestock animal or other domestic  
13 animal if the animal was any of the following at the time of death:

14           1. Infected with a contagious or infectious disease.

15           2. Potentially infected with a contagious or infectious disease, based on known  
16 exposure to a contagious or infectious disease.

17           3. Reasonably suspected of being infected with a contagious or infectious  
18 disease, based on symptoms or testing.

19           (d) “Fomite” means an inanimate object or a substance that transfers infectious  
20 organisms from one animal to another.

21           **(2) CARCASS TRANSPORTATION AND DISPOSAL PROHIBITIONS.** No person may do any  
22 of the following, either directly or through an employee or agent:

23           (a) Transport or dispose of a carcass that the person knows or reasonably  
24 should know to be a diseased carcass in a manner that creates a significant and  
25 foreseeable risk of transmitting disease to humans or animals.

1 (b) Dispose of a carcass in the waters of the state. This paragraph does not  
2 prohibit the use of farm-raised fish as bait.

3 **(3) TIMELY DISPOSITION OF CARCASSES.** No person who owns or controls a carcass,  
4 or who owns or controls the land on which a carcass is located, may leave the carcass  
5 exposed to access by dogs or wild animals for more than 24 hours during the months  
6 of April to November or for more than 48 hours during the months of December to  
7 March if the person knows or reasonably should know that the carcass is exposed.

8 **(4) REGULATION OF CARCASS TRANSPORTATION AND DISPOSAL.** The department may,  
9 by rule or order, regulate the transportation and disposal of carcasses to prevent and  
10 control contagious and infectious diseases.

11 **SECTION 38.** 101.985 (2) (c) of the statutes is amended to read:

12 101.985 **(2) (c) *Emergency licensing.*** If the governor declares that a state of  
13 emergency exists in this state under s. ~~166.03 (1) (b) 1.~~ 323.10 and the department  
14 determines that the number of individuals in the state who hold elevator mechanic's  
15 licenses issued by the department under this section on the date of the declaration  
16 is insufficient to cope with the emergency, the department shall summarily issue an  
17 emergency elevator mechanic's license to any individual who is certified by an  
18 elevator contractor licensed under this subchapter as adequately qualified and able  
19 to perform the work of an elevator mechanic without direct and immediate  
20 supervision, who the department determines is so qualified and able, and who  
21 applies for an emergency elevator mechanic's license on a form prescribed by the  
22 department. An individual certified by a contractor under this ~~subdivision~~  
23 paragraph may perform work as an elevator mechanic for up to a total of 5 days  
24 preceding the date the individual is issued the license. An emergency elevator  
25 mechanic's license has a term of 30 days and may be renewed by the department in

1 the case of a continuing emergency. The department shall specify on an emergency  
2 elevator mechanic's license the geographic area in which the licensee may provide  
3 services under the license. The requirements under par. (a) do not apply to an  
4 individual who applies for an emergency elevator mechanic's license.

\*\*\*\*NOTE: Is this paragraph necessary? What about plumbers, electricians,  
sanitary engineers, and other licensed trades during an emergency? Only state  
emergencies?

5 **SECTION 39.** 102.07 (7m) of the statutes is amended to read:

6 102.07 (7m) An employee, volunteer, or member of an emergency management  
7 ~~unit program~~ is considered an employee for purposes of this chapter as provided in  
8 s. ~~166.03 (8) (d)~~ 323.40, a member of a regional emergency response team who is  
9 acting under a contract under s. ~~166.215 (1)~~ 323.70 (2) is considered an employee of  
10 the state for purposes of this chapter as provided in s. ~~166.215 (4)~~ 323.70 (5), and a  
11 ~~behavioral health provider, health care provider, pupil services provider, or~~  
12 ~~substance abuse prevention provider who is providing volunteer, unpaid behavioral~~  
13 ~~health services, health care services, pupil services, or substance abuse prevention~~  
14 ~~services on behalf of a health care facility during a state of emergency~~ practitioner  
15 is considered an employee of the state for purposes of this chapter as provided in s.  
16 ~~250.042 (4) (b)~~ 257.03.

17 **SECTION 40.** 102.29 (10) of the statutes is amended to read:

18 102.29 (10) ~~No behavioral health provider, health care provider, pupil services~~  
19 ~~provider, or substance abuse prevention provider~~ A practitioner who, under s.  
20 ~~250.042 (4) (b)~~ 257.03, is considered ~~to be~~ an employee of the state for purposes of  
21 worker's compensation coverage while providing ~~volunteer, unpaid behavioral~~  
22 ~~health services, health care services, pupil services, or substance abuse prevention~~  
23 ~~services on behalf of a health care facility,~~ the department of health services, or a local



1 health department during a state of emergency and who makes a claim for  
2 compensation under this chapter may not make a claim or ~~bring~~ maintain an action  
3 in tort against the health care facility, department, or local health department that  
4 accepted those services.

5 **SECTION 41.** 102.475 (1) of the statutes is amended to read:

6 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement  
7 officer, correctional officer, fire fighter, rescue squad member, diving team member,  
8 national guard member or state defense force member on state active duty as  
9 described in s. 102.07 (9) or if a deceased person is an employee or volunteer  
10 performing emergency management activities under ch. ~~166~~ 323 during a state of  
11 emergency or a circumstance described in s. ~~166.04~~ 323.12 (2) (c), who sustained an  
12 accidental injury while performing services growing out of and incidental to that  
13 employment or volunteer activity so that benefits are payable under s. 102.46 or  
14 102.47 (1), the department shall voucher and pay from the appropriation under s.  
15 20.445 (1) (aa) a sum equal to 75% of the primary death benefit as of the date of death,  
16 but not less than \$50,000 to the persons wholly dependent upon the deceased. For  
17 purposes of this subsection, dependency shall be determined under ss. 102.49 and  
18 102.51.

19 **SECTION 42.** 110.07 (1) (a) 1. of the statutes is amended to read:

20 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and  
21 chs. ~~166~~, 194, 218, 323, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3)  
22 (b), 167.31 (2) (b) to (d) and 287.81 and ch. 350 where applicable to highways, or  
23 orders or rules issued pursuant thereto.

\*\*\*\*NOTE: Is "assist in the administration of" the appropriate description of a state  
patrol officer's duty with respect to ch. 323? Do we even need a reference to ch. 323 when



we have s. 323.17, which gives the state patrol certain powers, but not administrative powers?

1           **SECTION 43.** 115.01 (10) (a) 2. of the statutes is amended to read:

2           115.01 **(10)** (a) 2. Days on which school is closed by order of a local health officer,  
3 as defined in s. 250.01 (5), or the department of health services.

4           **SECTION 44.** 115.01 (10) (a) 3. of the statutes is created to read:

5           115.01 **(10)** (a) 3. Days on which school is closed by order of the school district  
6 administrator because of a threat to the health or safety of pupils or school personnel,  
7 but not including inclement weather.

      \*\*\*NOTE: This provision was added as a result of a discussion at the committee's last meeting.

8           **SECTION 45.** 115.812 (3) (b) 1. of the statutes is amended to read:

9           115.812 **(3)** (b) 1. In this paragraph, "public agency" has the meaning given in  
10 s. ~~166.20~~ 323.60 (1) (i), except that it excludes a local educational agency.

11           **SECTION 46.** 157.055 (2) (intro.) of the statutes is amended to read:

12           157.055 **(2)** (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3),  
13 (3m), and (4), 979.02, and 979.10, and subch. VI of ch. 440, during a period of a state  
14 of emergency related to public health declared by the governor under s. ~~166.03 (1) (b)~~  
15 ~~1. 323.10~~, a public health authority may do all of the following:

16           **SECTION 47.** 165.25 (6) (b) of the statutes is amended to read:

17           165.25 **(6)** (b) Volunteer health care providers who provide services under s.  
18 ~~146.89 or 250.042 (4), volunteer behavioral health providers, pupil services~~  
19 ~~providers, and substance abuse prevention providers,~~ practitioners who provide  
20 services under s. ~~250.042 (4)~~ 257.03, and health care facilities on whose behalf  
21 services are provided under s. ~~250.042 (4)~~ 257.03 are, for the provision of those  
22 services, covered by this section and shall be considered agents of the department of

1 health services for purposes of determining which agency head may request the  
2 attorney general to appear and defend them.

3 **SECTION 48.** Chapter 166 (title) of the statutes is repealed.

4 **SECTION 49.** 166.01 (title) of the statutes is renumbered 323.01 (title).

5 **SECTION 50.** 166.01 of the statutes is renumbered 323.01 (1) and amended to  
6 read:

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

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

13 **SECTION 52.** 166.02 (1g) of the statutes is renumbered 323.02 (1).

14 **SECTION 53.** 166.02 (1m) of the statutes is renumbered 323.02 (2).

15 **SECTION 54.** 166.02 (1p) of the statutes is renumbered 323.02 (3).

16 **SECTION 55.** 166.02 (1r) of the statutes is renumbered 323.02 (4).

17 **SECTION 56.** 166.02 (1t) of the statutes is renumbered 323.02 (5) and amended  
18 to read:

19 323.02 (5) “Chemical agent” means a substance that has chemical properties  
20 that produce lethal or serious effects in humans, plants or animals, or other living  
21 organisms.

22 **SECTION 57.** 166.02 (2) of the statutes is repealed.

23 **SECTION 58.** 166.02 (3) of the statutes is renumbered 323.02 (7).

24 **SECTION 59.** 166.02 (4) of the statutes is renumbered 323.02 (8) and amended  
25 to read:

1           323.02 **(8)** “Emergency management” ~~includes “civil defense”~~ and means all  
2 measures undertaken by or on behalf of the state and its subdivisions to do any of  
3 the following:

4           (a) ~~To prepare~~ Prepare for and minimize the effect of ~~enemy action and natural~~  
5 ~~or man-made~~ a disaster upon the civilian population or the imminent threat of a  
6 disaster.

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

10           **SECTION 60.** 166.02 (5) of the statutes is repealed.

11           **SECTION 61.** 166.02 (6m) of the statutes is renumbered 323.02 (9).

12           **SECTION 62.** 166.02 (6r) of the statutes is renumbered 323.02 (14).

13           **SECTION 63.** 166.02 (6u) of the statutes is repealed.

14           **SECTION 64.** 166.02 (7) of the statutes is renumbered 323.02 (16).

15           **SECTION 65.** 166.02 (8) of the statutes is renumbered 323.02 (18) and amended  
16 to read:

17           323.02 **(18)** “Radiological agent” means radiation or radioactive material at a  
18 level that is dangerous to ~~human health~~ humans, animals, plants, or other living  
19 organisms.

20           **SECTION 66.** 166.03 (title) of the statutes is repealed.

21           **SECTION 67.** 166.03 (1) (title) and (a) (intro.) of the statutes are repealed.

22           **SECTION 68.** 166.03 (1) (a) 1. of the statutes is renumbered 323.12 (1) (a).

23           **SECTION 69.** 166.03 (1) (a) 2. of the statutes is renumbered 323.12 (1) (b) and  
24 amended to read:

1           323.12 (1) (b) Review state emergency management plans and modifications  
2 thereof to the plans.

3           **SECTION 70.** 166.03 (1) (a) 3. of the statutes is renumbered 323.12 (3) and  
4 amended to read:

5           323.12 (3) DUTIES DURING AN EMERGENCY. ~~Employ the division of emergency~~  
6 ~~management during a state of emergency proclaimed by him or her, During a state~~  
7 ~~of emergency declared under s. 323.10, the governor shall issue orders and, delegate~~  
8 ~~such authority as is deemed necessary to the administrator, and direct the division~~  
9 ~~to coordinate emergency management activities.~~

10          **SECTION 71.** 166.03 (1) (a) 4. of the statutes is renumbered 323.12 (1) (c) and  
11 amended to read:

12          323.12 (1) (c) Determine responsibilities of state departments and independent  
13 agencies in with respect to emergency management and by order direct such those  
14 departments and agencies in utilizing personnel, facilities, supplies, and equipment  
15 before and during a state of emergency.

16          **SECTION 72.** 166.03 (1) (b) (intro.) and 1. of the statutes are consolidated,  
17 renumbered 323.10 and amended to read:

18          **323.10 Declaration by governor.** The governor may: ~~1. Proclaim~~ issue an  
19 executive order declaring a state of emergency for the state or any portion of the state  
20 if he or she determines that an emergency resulting from ~~enemy action or natural~~  
21 ~~or man-made~~ a disaster or the imminent threat of a disaster exists. If the governor  
22 determines that a public health emergency exists, he or she may declare issue an  
23 executive order declaring a state of emergency related to public health for the state  
24 or any portion of the state and may designate the department of health services as  
25 the lead state agency to respond to that emergency. ~~The duration of such~~ If the

1 governor determines that the emergency is related to computer or  
2 telecommunication systems, he or she may designate the department of  
3 administration as the lead agency to respond to that emergency. A state of  
4 emergency shall not exceed 60 days as to emergencies resulting from enemy action  
5 or 30 days as to emergencies resulting from natural or man-made disaster, unless  
6 either the state of emergency is extended by joint resolution of the legislature. A copy  
7 of the ~~proclamation~~ executive order shall be filed with the secretary of state. The  
8 ~~proclamation~~ executive order may be revoked at the discretion of either the governor  
9 by ~~written~~ executive order or the legislature by joint resolution.

\*\*\*NOTE: This change adds language for governor-declared emergencies relating to computer or telecommunication systems.

10 **SECTION 73.** 166.03 (1) (b) 2. of the statutes is renumbered 323.12 (2) (a).

11 **SECTION 74.** 166.03 (1) (b) 3. of the statutes is renumbered 323.12 (2) (b) and  
12 amended to read:

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

20 **SECTION 75.** 166.03 (1) (b) 4. of the statutes is renumbered 323.12 (4) (a) and  
21 amended to read:

22 323.12 (4) (a) ~~During a state of emergency, declare~~ Declare priority of  
23 emergency management contracts over other contracts, allocate materials and

1 facilities in his or her discretion, and take, use, and destroy, in the name of the state,  
2 private property for emergency management purposes. ~~Such taking, use or~~  
3 ~~destruction shall be in the name of the state.~~ Records ~~The governor shall be kept~~ keep  
4 records of such that action and ~~such.~~ Those records shall be evidence of a claim  
5 against the state. ~~Any such~~ The claim against the state shall be referred to the claims  
6 board under s. 16.007.

7 **SECTION 76.** 166.03 (1) (b) 5. of the statutes is renumbered 323.12 (4) (b) and  
8 amended to read:

9 323.12 (4) (b) ~~During a state of emergency, issue~~ Issue such orders as he or she  
10 deems necessary for the security of persons and property.

11 **SECTION 77.** 166.03 (1) (b) 6. of the statutes is renumbered 323.12 (4) (c) and  
12 amended to read:

13 323.12 (4) (c) ~~During a state of emergency, contract~~ Contract on behalf of the  
14 state with any person to provide, on a cost basis, equipment and services ~~on a cost~~  
15 basis to be used in to respond to a disaster relief or the imminent threat of a disaster.

16 **SECTION 78.** 166.03 (1) (b) 8. of the statutes is renumbered 323.12 (4) (d) and  
17 amended to read:

18 323.12 (4) (d) ~~During a state of emergency related to public health, suspend~~  
19 Suspend the provisions of any administrative rule if the strict compliance with that  
20 rule would prevent, hinder, or delay necessary actions to respond to the emergency  
21 and increase the health threat to the population disaster.

\*\*\*\*NOTE: Current statutes allow the governor to suspend administrative rules during public health emergencies. This paragraph allows the governor to suspend administrative rules during other disasters.

22 **SECTION 79.** 166.03 (2) (title) of the statutes is repealed.

1           **SECTION 80.** 166.03 (2) (a) (intro.) of the statutes is renumbered 323.13 (1)  
2 (intro.) and amended to read:

3           323.13 (1) (intro.) The adjutant general shall do all of the following:

4           **SECTION 81.** 166.03 (2) (a) 1. of the statutes is renumbered 323.13 (1) (b) and  
5 amended to read:

6           323.13 (1) (b) Subject to approval by the governor, develop and promulgate  
7 adopt a state plan of emergency management for the security of persons and property  
8 ~~which shall be mandatory during a state of emergency.~~ In developing the plan, the  
9 adjutant general shall seek the advice of the department of health services with  
10 respect to the emergency medical aspects of the plan and of the department of  
11 administration with respect to aspects of the plan related to computer or  
12 telecommunication systems. The plan shall specify equipment and personnel  
13 standards, and shall require the use of the incident command system, and specify the  
14 type of incident command system, by all emergency response agencies, including  
15 local health departments, during a state of emergency declared under sub. (1) (b) 1.  
16 ~~or s. 166.23 (1) or in any other multi-jurisdictional or multi-agency emergency~~  
17 ~~response s. 323.10 or 323.11.~~

      \*\*\*NOTE: This change adds language for governor-declared emergencies relating  
to computer or telecommunication systems.

18           **SECTION 82.** 166.03 (2) (a) 2. of the statutes is renumbered 323.13 (1) (c) and  
19 amended to read:

20           323.13 (1) (c) Prescribe and carry out statewide training programs and  
21 exercises to develop emergency management proficiency, disseminate information  
22 ~~including warnings of enemy action, serve as the principal assistant to the governor~~  
23 ~~in the direction of emergency management activities,~~ and coordinate emergency

1 management programs ~~between counties~~. The training programs shall include  
2 training in managing emergency operations utilizing the incident command system  
3 for local unit of government officials, officers, and employees whose duties include  
4 responding to emergencies a disaster or the imminent threat of a disaster, including  
5 officers and employees of local health departments. The adjutant general shall  
6 consult with the department of health services regarding the provision of incident  
7 command system training to local health department personnel and with the  
8 department of administration regarding the provision of incident command system  
9 training for emergencies related to computer or telecommunication systems. To the  
10 extent possible, the adjutant general shall utilize federal funding to provide incident  
11 command system training.

\*\*\*NOTE: This change adds language for emergencies relating to computer or  
telecommunication systems.

12 **SECTION 83.** 166.03 (2) (a) 3. of the statutes is renumbered 323.13 (1) (d) and  
13 amended to read:

14 323.13 (1) (d) Furnish guidance and ~~develop and promulgate~~ establish  
15 standards for emergency management programs for ~~counties, cities, villages, and~~  
16 ~~towns~~ local units of government, and prescribe nomenclature for all levels of  
17 emergency management. The standards shall include a requirement that ~~county,~~  
18 ~~city, village, and town~~ local unit of government emergency management programs  
19 adopted under sub. (4) (a) s. 323.14 (1) (a) 1. and (b) 1. utilize the incident command  
20 system during a state of emergency declared under ~~sub. (1) (b) 1. or s. 166.23 (1) s.~~  
21 323.10 or 323.11 or in any other multi-jurisdictional or multi-agency emergency  
22 response. The standards for fire, rescue, and emergency medical services shall  
23 include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm



1 System as a mechanism that may be used for deploying personnel and equipment in  
2 a multi-jurisdictional or multi-agency emergency response. ~~The adjutant general~~  
3 ~~shall promulgate these standards as rules.~~ The standards for agencies that manage  
4 public works shall include the suggestion that the local unit of government, or a  
5 federally recognized American Indian tribe or band in this state, adopt the mutual  
6 assistance agreement created by the division for the intergovernmental  
7 collaboration of public works personnel, equipment, and resources in a  
8 multi-jurisdictional or multi-agency emergency response. The adjutant general  
9 shall consult with representatives of public works professional associations and  
10 organizations regarding the content of that agreement.

11 **SECTION 84.** 166.03 (2) (a) 4. of the statutes is repealed.

12 **SECTION 85.** 166.03 (2) (a) 5. of the statutes is renumbered 323.13 (1) (e).

13 **SECTION 86.** 166.03 (2) (a) 6. of the statutes is renumbered 323.13 (1) (f), and  
14 323.13 (1) (f) (intro.), as renumbered, is amended to read:

15 323.13 (1) (f) (intro.) No later than 90 days after a state of emergency relating  
16 to public health is declared and the department of health services is not designated  
17 under s. ~~166.03 (1) (b) 1.~~ 323.10 as the lead state agency to respond to that emergency  
18 and no later than 90 days after the termination of this state of emergency relating  
19 to public health, submit to the legislature under s. 13.172 (2) and to the governor a  
20 report on all of the following:

21 **SECTION 87.** 166.03 (2) (b) (intro.) of the statutes is renumbered 323.13 (2)  
22 (intro.) and amended to read:

23 323.13 (2) ONGOING POWERS. (intro.) The adjutant general may do all of the  
24 following:

1           **SECTION 88.** 166.03 (2) (b) 1. of the statutes is renumbered 323.13 (2) (a) and  
2 amended to read:

3           323.13 **(2)** (a) Divide the state into emergency management areas regions  
4 composed of whole counties ~~by general or special written orders,~~ subject to approval  
5 by the governor, and modify the boundaries thereof of those regions as changed  
6 conditions warrant. ~~Such areas shall be classified and designated in accordance with~~  
7 ~~standards promulgated under the federal civil defense act of 1950, as amended.~~

8           **SECTION 89.** 166.03 (2) (b) 2. of the statutes is renumbered 323.13 (2) (b) and  
9 amended to read:

10           323.13 **(2)** (b) Appoint a head director of emergency management for each area  
11 ~~established in accordance with subd. 1. region under par. (a)~~ under the classified  
12 service on either a part-time or full-time basis, or may request ask the governor to  
13 designate any state officer or employee as acting area head regional director on a  
14 part-time basis.

15           **SECTION 90.** 166.03 (2) (b) 3. of the statutes is renumbered 323.13 (2) (c).

16           **SECTION 91.** 166.03 (2) (b) 4. of the statutes is renumbered 323.13 (2) (d).

17           **SECTION 92.** 166.03 (2) (b) 5. of the statutes is renumbered 323.13 (2) (e) and  
18 amended to read:

19           323.13 **(2)** (e) Organize and train state mobile support units to aid any area  
20 region during a state of emergency. ~~Such~~ The units may participate in training  
21 programs and exercises ~~both within and~~ or outside the state.

22           **SECTION 93.** 166.03 (2) (b) 6. of the statutes is renumbered 323.13 (2) (f) and  
23 amended to read:

24           323.13 **(2)** (f) Request the department of health services to inspect or provide  
25 for the inspection of shipments of radioactive waste, obtain and analyze data

1 concerning the radiation level of shipments of radioactive waste and issue reports  
2 concerning these shipments and radiation levels. The adjutant general may assess  
3 and collect and receive contributions for any costs incurred under this ~~subdivision~~  
4 paragraph from any person who produced the radioactive waste which is the subject  
5 of the activity for which the costs are incurred. In this ~~subdivision~~ paragraph,  
6 “radioactive waste” has the meaning given in s. 293.25 (1) (b).

7 **SECTION 94.** 166.03 (2) (b) 7. of the statutes is renumbered 323.13 (2) (g).

8 **SECTION 95.** 166.03 (2) (b) 8. of the statutes is renumbered 323.30 and amended  
9 to read:

10 **323.30 Federal disaster assistance.** ~~Make~~ The adjutant general shall make  
11 payments from the appropriation under s. 20.465 (3) (e) to pay this state’s share of  
12 grants to individuals and to provide a share of any required state share of  
13 contributions to local governments, as defined in 42 USC 5122 (6), for major disaster  
14 recovery assistance. Payment of this state’s share of any contribution to a local  
15 government under this ~~subdivision~~ section is contingent upon copayment of that  
16 share by the local government, but not to exceed 12.5% of the total eligible cost of  
17 assistance. No payment may be made under this ~~subdivision~~ section without the  
18 prior approval of the secretary of administration.

19 **SECTION 96.** 166.03 (2) (b) 9. of the statutes is renumbered 323.31 and amended  
20 to read:

21 **323.31 State disaster assistance.** From the appropriations under s. 20.465  
22 (3) (b) and (s), the adjutant general shall make payments to local governmental units,  
23 as defined in s. 19.42 (7u), and to federally recognized American Indian tribes and  
24 bands in this state for the damages and costs incurred as the result of a major  
25 catastrophe disaster if federal disaster assistance is not available for that

1 catastrophe disaster because the governor's request that the president declare the  
2 catastrophe disaster a major disaster under 42 USC 5170 has been denied or because  
3 the disaster, as determined by the department of military affairs, does not meet the  
4 statewide or countywide per capita impact indicator under the public assistance  
5 program that is issued by the federal emergency management agency. To be eligible  
6 for a payment under this ~~subdivision~~ section, the local governmental unit or tribe or  
7 band shall pay 30 percent of the amount of the damages and costs resulting from the  
8 natural disaster. The department of military affairs shall promulgate rules  
9 establishing the application process and the criteria for determining eligibility for  
10 payments under this ~~subdivision~~ section.

11 **SECTION 97.** 166.03 (3) of the statutes is repealed.

12 **SECTION 98.** 166.03 (4) (title) of the statutes is renumbered 323.14 (title) and  
13 amended to read:

14 **323.14** (title) **~~Powers and Local government; duties of counties and~~**  
15 **~~municipalities and powers.~~**

16 **SECTION 99.** 166.03 (4) (a) of the statutes is renumbered 323.14 (1) (b) 1. and  
17 amended to read:

18 323.14 (1) (b) 1. The governing body of each county, city, village, or town and  
19 municipality shall develop and adopt an ~~effective program of~~ emergency  
20 management ~~consistent plan and program that is compatible~~ with the state plan of  
21 emergency management and, ~~except at the county level in counties having a county~~  
22 ~~executive,~~ adopted under s. 323.13 (1) (b).

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

1           **SECTION 100.** 166.03 (4) (b) of the statutes is renumbered 323.14 (1) (a) 2. and  
2 amended to read:

3           323.14 **(1)** (a) 2. Each county board shall designate a head of emergency  
4 management. In counties having a county executive under s. 59.17, the county board  
5 shall designate the county executive or confirm his or her appointee as county head  
6 of emergency management services. Notwithstanding sub. (2) (b), an individual may  
7 not simultaneously serve as the head of emergency management for 2 or more  
8 counties.

\*\*\*\*NOTE: This change is based on a discussion held at an earlier meeting.

9           **SECTION 101.** 166.03 (4) (c) of the statutes is renumbered 323.14 (1) (a) 3. and  
10 amended to read:

11           323.14 **(1)** (a) 3. Each county board shall designate a committee of the board  
12 as a county emergency management committee whose. The chairperson of the  
13 county board shall be a member of the committee designated by designate the  
14 chairperson of the county board. ~~The committee, in.~~ In counties having a county  
15 executive under s. 59.17, the committee shall retain policy-making and rule-making  
16 powers in the establishment and development of county emergency management  
17 plans and programs.

18           **SECTION 102.** 166.03 (4) (d) of the statutes is renumbered 323.14 (3) (b) and  
19 amended to read:

20           323.14 **(3)** (b) During the ~~continuance of~~ a state of emergency proclaimed  
21 declared by the governor ~~the county board of each county,~~ a local unit of government  
22 situated within the area to which the governor's proclamation executive order  
23 applies may employ the county emergency management organization and the  
24 personnel, facilities, and other resources of the organization consistent with the plan

1 ~~adopted under sub. (1) (a) 1. or (b) 1. to cope with the problems of the emergency, and~~  
2 ~~the governing body of each municipality and town situated within the area shall have~~  
3 ~~similar authority with respect to municipal emergency management organizations,~~  
4 ~~facilities and resources that resulted in the governor declaring the emergency.~~  
5 Nothing in this chapter prohibits ~~counties and municipalities~~ local units of  
6 government from employing their emergency management organizations personnel,  
7 facilities, and resources consistent with the plan adopted under sub. (1) (a) 1. or (b)  
8 1. to cope with the problems of local public emergencies disasters except where  
9 restrictions are imposed by federal regulations on property donated by the federal  
10 government.

11 **SECTION 103.** 166.03 (5) (title) of the statutes is repealed.

12 **SECTION 104.** 166.03 (5) (a) of the statutes is renumbered 323.15 (1) (a) and  
13 amended to read:

14 323.15 (1) (a) The head of emergency management ~~services in~~ for each county,  
15 ~~town and municipality~~ local unit of government shall for his or her respective county,  
16 ~~town or municipality, develop and promulgate emergency management plans~~  
17 ~~consistent with state plans, direct the emergency management program~~ implement  
18 the plan adopted under s. 323.14 (1) (a) 1. or (b) 1., whichever is applicable, and  
19 perform such other duties related to emergency management as are required by the  
20 governing body and the emergency management committee of the governing body  
21 when applicable. The emergency management plans shall require the use of the  
22 incident command system by all emergency response agencies, including local health  
23 departments, during a state of emergency declared under sub. (1) (b) 1. or s. 166.23  
24 (1) or in any other multi-jurisdictional or multi-agency emergency response s.  
25 323.10 or 323.11.

1           **SECTION 105.** 166.03 (5) (b) of the statutes is renumbered 323.15 (1) (b) and  
2 amended to read:

3           323.15 (1) (b) The head of emergency management services ~~in for~~ each county  
4 shall coordinate and assist in developing city, village, and town and municipal  
5 emergency management plans within the county, integrate ~~such~~ the plans with the  
6 county plan, advise the department of military affairs of all emergency management  
7 planning in the county and submit to the adjutant general ~~such~~ the reports as that  
8 he or she requires, direct and coordinate emergency management activities  
9 throughout the county during a state of emergency, and direct countywide  
10 emergency management training programs and exercises.

11           **SECTION 106.** 166.03 (5) (c) of the statutes is renumbered 323.15 (1) (c) (intro.)  
12 and amended to read:

13           323.15 (1) (c) (intro.) The head of emergency management services in each city,  
14 village and town and municipality shall ~~direct~~ do all of the following:

15           1. Direct local emergency management training programs and exercises,  
16 ~~direct.~~

17           2. Direct participation in emergency management programs and exercises that  
18 are ordered by the adjutant general and the county head of emergency management  
19 ~~services, and advise.~~

\*\*\*\*NOTE: Should it be “or” instead of “and”?

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

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

1           **SECTION 107.** 166.03 (5) (d) of the statutes is renumbered 323.15 (4) and  
2 amended to read:

3           323.15 (4) POWERS DURING AN EMERGENCY. ~~During the continuance of a state of~~  
4 emergency ~~proclaimed~~ declared by the governor, the head of emergency management  
5 services ~~in for each county, town and municipality~~ local unit of government, on behalf  
6 of his or her respective county, town or municipality local unit of government, may  
7 contract with any person to provide equipment and services on a cost basis to be used  
8 ~~in disaster relief to respond to a disaster, or the imminent threat of a disaster.~~

9           **SECTION 108.** 166.03 (5a) of the statutes is renumbered 323.01 (2) and amended  
10 to read:

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

16           **SECTION 109.** 166.03 (6) of the statutes is renumbered 323.20 and amended to  
17 read:

18           **323.20 Emergency use of vehicles.** In responding to an official request for  
19 help during any declared state of emergency, any person may operate a boat or any  
20 motor vehicle without regard for motor vehicle registration laws and without being  
21 subject to arrest under s. 341.04, including a snowmobile or all-terrain vehicle, that  
22 is not registered in this state.

23           **SECTION 110.** 166.03 (7) (title) of the statutes is repealed.

24           **SECTION 111.** 166.03 (7) (a) of the statutes is renumbered 323.14 (2) (b) and  
25 amended to read:



1           323.14 ~~(2)~~ (b) ~~Counties, towns and municipalities~~ Local units of government  
2           may cooperate under s. 66.0301 to furnish services, combine offices, and finance  
3           emergency management services programs.

4           **SECTION 112.** 166.03 (7) (b) of the statutes is renumbered 323.14 (2) (c) and  
5           amended to read:

6           323.14 ~~(2)~~ (c) ~~Counties, towns and municipalities~~ Local units of government  
7           may contract for emergency management services with political subdivisions,  
8           ~~emergency management units and civil defense units~~ agencies, and federally  
9           recognized American Indian tribes and bands of this state, and, upon prior approval  
10          of the adjutant general, with such entities in bordering states. A copy of each such  
11          agreement shall be filed with the adjutant general within 10 days after execution  
12          thereof of that agreement.

13          **SECTION 113.** 166.03 (7) (c) of the statutes is repealed.

14          **SECTION 114.** 166.03 (8) (title) of the statutes is renumbered 323.25 (title) and  
15          amended to read:

16          **323.25** (title) **Personnel restrictions.**

17          **SECTION 115.** 166.03 (8) (a) to (c) of the statutes are renumbered 323.25 (1) to  
18          (3) and amended to read:

19          323.25 **(1)** No personnel, while performing emergency management  
20          ~~organization established~~ functions consistent with a plan adopted under ~~this section~~  
21          s. 323.13 (1) (b) or 323.14 (1) (a) 1. or (b) 1., shall participate in any form of political  
22          activity or be employed directly or indirectly for any political activity.

23          **(2)** No personnel, while performing emergency management ~~organization~~  
24          established functions consistent with a plan adopted under ~~this section~~ s. 323.13 (1)

1 (b) or 323.14 (1) (a) 1. or (b) 1., shall be employed to interfere with the orderly process  
2 of a labor dispute.

3 **(3)** No person shall may be employed or associated in any capacity in any state  
4 or local unit of government emergency management ~~organization under this section~~  
5 program under s. 323.13 (1) (b) or 323.14 (1) (a) 1. or (b) 1. who advocates a change  
6 by force or violence in the constitutional form of government of the United States or  
7 this state or who has been convicted of or is under indictment or information charging  
8 any subversive act against the United States.

9 **SECTION 116.** 166.03 (9) of the statutes is renumbered 323.43 and amended to  
10 read:

11 **323.43 Bearing of losses.** Any Subject to s. 323.42, any loss arising from the  
12 damage to or destruction of government-owned equipment utilized in any  
13 authorized emergency management activity shall be borne by the owner ~~thereof~~ of  
14 the equipment.

15 **SECTION 117.** 166.03 (10) of the statutes is renumbered 323.45 and amended  
16 to read:

17 **323.45 ~~Exemption from liability~~ Providers of equipment and other**  
18 **items.** **(1)** ~~No~~ Except as provided in subs. (2) and (4), no person who provides  
19 equipment, materials, facilities, labor, or services is liable for the death of or injury  
20 to any person or damage to any property caused by his or her actions if the person  
21 did so under all of the following conditions:

22 (a) Under the direction of the governor, the adjutant general, the governing  
23 body, chief or acting chief executive officer, or head of emergency management  
24 services of any ~~county, town, municipality,~~ local unit of government or federally  
25 recognized American Indian tribe or band in this state, the department of health

1 services if that department is designated by the governor under s. ~~166.03 (1) (b) 1-~~  
2 323.10, or the local health department acting under s. 251.05 (3) (e).

3 (b) In response to enemy action, a ~~natural or man-made~~ disaster, or a federally  
4 declared state of emergency or during a state of emergency declared by the governor.

5 (2) This ~~subsection~~ section does not apply if the person's act or omission  
6 involved reckless, wanton, or intentional misconduct.

7 (3) This ~~subsection~~ section does not affect the right of any person to receive  
8 benefits to which he or she otherwise would be entitled under the worker's  
9 compensation law or under any pension law, nor does it affect entitlement to any  
10 other benefits or compensation authorized by state or federal law.

11 **SECTION 118.** 166.03 (11) of the statutes is renumbered 323.16 and amended  
12 to read:

13 **323.16 Powers of peace law enforcement officers.** During any state of  
14 emergency ~~proclaimed~~ declared by the governor or during any training program or  
15 exercises authorized by the adjutant general, any ~~peace officer or traffic law~~  
16 enforcement officer ~~of the state, or of a county, city, village or town,~~ when legally  
17 engaged in traffic control, escort duty, or protective service, may carry out ~~such the~~  
18 functions ~~at any point within~~ anywhere in the state but shall be subject to the  
19 direction of the adjutant general through the sheriff of the county in which an  
20 assigned function is performed.

21 **SECTION 119.** 166.03 (12) of the statutes is renumbered 323.01 (3) and amended  
22 to read:

23 323.01 (3) ~~RED CROSS NOT AFFECTED. Nothing contained in this section shall~~  
24 This chapter may not limit or in any way affect the responsibility of the American  
25 National Red Cross as authorized by the congress of the United States.

1           **SECTION 120.** 166.03 (13) of the statutes is renumbered 323.13 (1) (dm) and  
2 amended to read:

3           323.13 (1) (dm) ~~Authority to withhold grants.~~ If the adjutant general finds that  
4 ~~any political subdivision of the state~~ a local unit of government has not complied with  
5 ~~the requirement of this section that it establish and maintain an operating~~  
6 ~~developed, adopted, and implemented an~~ emergency management organization, he  
7 ~~or she may plan as required under s. 323.14 (1),~~ refuse to approve grants of funds or  
8 items of equipment ~~awarded under this chapter to such political subdivision~~ the local  
9 unit of government until it ~~complies~~ the local unit of government does so. If such  
10 ~~political subdivision~~ the local unit of government fails to use the funds or items of  
11 equipment granted to it through the adjutant general in accordance with the  
12 agreement under which the grant was made, the adjutant general may refuse to  
13 make any additional grants to ~~such political subdivision~~ the local unit of government  
14 until it has complied with the conditions of the prior grant, and he or she may start  
15 recovery proceedings on the funds and items of equipment which that have not been  
16 used in accordance with the conditions of the grant.

17           **SECTION 121.** 166.03 (14) (title) of the statutes is renumbered 323.28 (title).

18           **SECTION 122.** 166.03 (14) of the statutes is renumbered 323.28 (1) and amended  
19 to read:

20           323.28 (1) Whoever intentionally fails to comply with the directives of an order  
21 issued by an agent of the state or of a local unit of government who is engaged in  
22 emergency management authorities ~~promulgated~~ activities under this section  
23 ~~during a state of emergency or during any chapter, including training program or~~  
24 ~~exercises may be fined, is subject to a forfeiture of not more than \$200 or imprisoned~~  
25 ~~not more than 90 days or both.~~

1           **SECTION 123.** 166.04 of the statutes is renumbered 323.12 (2) (c) and amended  
2 to read:

3           323.12 **(2)** (c) ~~State traffic patrol and conservation warden duties during civil~~  
4 ~~disorder.~~ Without proclaiming a state of emergency, If the governor may, in writing  
5 filed with the secretary of state, determine determines that there exists a condition  
6 of civil disorder or a threat to the safety of persons on state property or damage or  
7 destruction to state property.—~~Upon such filing exists,~~ he or she may, without  
8 declaring an emergency, call out the state traffic patrol or the conservation warden  
9 force service or members thereof of that patrol or service for use in connection with  
10 such the threat to such life or property. ~~For the duration of such threat, as~~  
11 ~~determined by the governor, such officers shall have the powers of a peace officer as~~  
12 ~~set forth in s. 59.28, except that such officers shall not be used in or take part in any~~  
13 ~~dispute or controversy between employer or employee concerning wages, hours,~~  
14 ~~labor or working conditions.~~

15           **SECTION 124.** 166.05 (title) of the statutes is renumbered 323.51 (title).

16           **SECTION 125.** 166.05 (1) of the statutes is renumbered 323.51 (1) and amended  
17 to read:

18           323.51 **(1)** DESIGNATION AND USE OF A TEMPORARY LOCATION BY THE GOVERNOR.  
19 Whenever, during a state of emergency as the result of a disaster or the imminent  
20 threat of a disaster, it becomes imprudent, inexpedient or impossible to conduct the  
21 affairs of state government at the state capital, the governor shall, as often as the  
22 exigencies of the situation require, ~~by proclamation designate an emergency a~~  
23 ~~temporary location for the seat of government at such a place within or without in~~  
24 or outside this state as he or she deems advisable, and, The governor shall take such  
25 any action and issue such any orders as are necessary for an orderly transition of the

1 affairs of state government to ~~such emergency~~ the temporary location. If practicable,  
2 the ~~emergency~~ temporary location ~~so designated by the governor~~ designates shall  
3 conform to that provided for in the current emergency management plan authorized  
4 ~~by s. 166.03. Such emergency~~ under subch. II. The temporary location shall remain  
5 as the seat of government until the governor establishes a new location under this  
6 section, or until the ~~emergency is ended under s. 166.03~~ and the seat of government  
7 is returned to its normal location.

8 **SECTION 126.** 166.05 (2) of the statutes is renumbered 323.51 (2) and amended  
9 to read:

10 323.51 (2) EXERCISE OF GOVERNMENTAL AUTHORITY. While the seat of government  
11 remains at ~~such a~~ temporary location all official acts required by law to be performed  
12 at the seat of government by any officer, independent agency, department, or  
13 authority of this state, including the convening and meeting of the legislature in  
14 regular or special session under sub. (1), shall be as valid and binding when  
15 performed at ~~such emergency~~ the temporary location as if performed at the normal  
16 location.

17 **SECTION 127.** 166.06 (title) of the statutes is renumbered 323.52 (title) and  
18 amended to read:

19 **323.52** (title) ~~Emergency temporary~~ **Temporary** locations of  
20 **government for counties, towns and municipalities** local units of  
21 **government.**

22 **SECTION 128.** 166.06 (1) of the statutes is renumbered 323.52 (1) and amended  
23 to read:

24 323.52 (1) DESIGNATION OF EMERGENCY TEMPORARY LOCATIONS. Whenever during  
25 a state of emergency it becomes imprudent, inexpedient, or impossible to conduct the

1 affairs of local government at the regular or usual place ~~or places thereof~~, the  
2 governing body of each county, ~~town and municipality of this state~~ local unit of  
3 government may meet at any place within or without the territorial limits of such  
4 ~~political subdivision~~ the local unit of government on the call of the presiding officer  
5 or his or her successor, and shall proceed to establish and designate by ordinance,  
6 resolution, or other manner, alternate or substitute sites ~~or places~~ as the emergency  
7 temporary locations of government where all, or any part, of the public business may  
8 be transacted and conducted during the emergency situation. Such alternate or  
9 substitute ~~site or places~~ may be within or without the territorial limits of such county,  
10 ~~town or municipality~~ the local unit of government and may be within or without those  
11 of the state. If practicable, they shall be the ~~sites or places~~ designated as the  
12 emergency temporary locations of government in the current emergency  
13 management plan.

14 **SECTION 129.** 166.06 (2) of the statutes is renumbered 323.52 (2) and amended  
15 to read:

16 323.52 (2) EXERCISE OF GOVERNMENTAL AUTHORITY. While the public business is  
17 being conducted at ~~an emergency~~ a temporary location, the governing body and other  
18 officers of a county, ~~town or municipality of this state~~ local unit of government shall  
19 have, possess and exercise, ~~at such location~~, all of the executive, legislative,  
20 administrative, and judicial powers and functions conferred upon such the body and  
21 officers under state law. Such Those powers and functions, except judicial, may be  
22 exercised in the light of the exigencies of the emergency situation without regard to  
23 or compliance with time-consuming procedures and formalities prescribed by law  
24 and ~~pertaining thereto~~. All acts of such the body and officers shall be as valid and

1 binding as if performed within the territorial limits of their county, town or  
2 municipality local unit of government.

3 **SECTION 130.** 166.06 (3) of the statutes is repealed.

4 **SECTION 131.** 166.07 (title) of the statutes is renumbered 323.54 (title) and  
5 amended to read:

6 **323.54 (title) Succession to office; local offices officers.**

7 **SECTION 132.** 166.07 of the statutes is renumbered 323.54 (1) and amended to  
8 read:

9 323.54 (1) The governing body of any county, town or municipality political  
10 subdivision may enact such ordinances and resolutions as are necessary to provide  
11 for the continuity of government in the event of and throughout the duration of a  
12 state of emergency resulting from enemy action. Such ordinances and resolutions  
13 shall to provide a method by which temporary emergency interim appointments to  
14 public office are made, except as limited by express constitutional provisions and  
15 during periods of emergency to fill vacancies in offices that result from enemy action.  
16 The ordinances or resolutions shall define the scope of the powers and duties which  
17 that interim appointees may be exercised exercise, and shall provide for termination  
18 of the appointment so made. This section shall control notwithstanding any  
19 statutory provision to the contrary or in conflict herewith interim appointments.

20 **SECTION 133.** 166.08 (title) of the statutes is renumbered 323.53 (title) and  
21 amended to read:

22 **323.53 (title) Succession to office; state officers.**

23 **SECTION 134.** 166.08 (1) of the statutes is repealed.

24 **SECTION 135.** 166.08 (2) (intro.) of the statutes is renumbered 323.50 (intro.)  
25 and amended to read:



1           **323.50 Definitions.** (intro.) ~~As used in In this section unless the context~~  
2 ~~clearly requires otherwise subchapter:~~

3           **SECTION 136.** 166.08 (2) (a) of the statutes is repealed.

4           **SECTION 137.** 166.08 (2) (b) of the statutes is renumbered 323.50 (1) and  
5 amended to read:

6           323.50 (1) ~~“Emergency interim~~ “Interim successor” means a person designated  
7 under this ~~section~~ subchapter, if the officer is unavailable as the result of enemy  
8 action, to exercise the powers and discharge the duties of an office until a successor  
9 is appointed or elected and qualified as provided by law or until the lawful incumbent  
10 is able to resume the exercise of the powers and discharge the duties of the office.

11           **SECTION 138.** 166.08 (2) (c) of the statutes is renumbered 323.50 (2) and  
12 amended to read:

13           323.50 (2) “Office” includes all state and local offices, the powers and duties of  
14 which are defined by law, except the office of governor, and except those in the  
15 legislature and the judiciary. ~~An “officer” is~~

16           **(3) “Officer” means** a person who holds an office.

17           **SECTION 139.** 166.08 (2) (d) of the statutes is renumbered 323.50 (4) and  
18 amended to read:

19           323.50 (4) “Political subdivision” includes ~~counties, towns, municipalities~~ local  
20 units of government, special districts, authorities, and other public corporations and  
21 entities whether organized and existing under charter or general law.

22           **SECTION 140.** 166.08 (2) (e) of the statutes is renumbered 323.50 (5) and  
23 amended to read:

24           323.50 (5) “Unavailable” means that ~~during a state of emergency resulting~~  
25 ~~from enemy action~~, either a vacancy in office exists and there is no deputy authorized

1 to exercise all of the powers and discharge the duties of the office, or that the lawful  
2 incumbent of the office and his or her duly authorized deputy are absent or unable  
3 to exercise the powers and discharge the duties of the office.

4 **SECTION 141.** 166.08 (3) of the statutes is renumbered 323.53 (1) and amended  
5 to read:

6 **323.53 (1)** EMERGENCY INTERIM SUCCESSORS TO OFFICE OF GOVERNOR. If, during  
7 a state of emergency resulting from enemy action, the governor is unavailable, and  
8 if the lieutenant governor and the secretary of state are unavailable, the attorney  
9 general, state treasurer, speaker of the assembly, and the president of the senate  
10 shall in the order named if the preceding named officers are unavailable, exercise the  
11 powers and discharge the duties of the office of governor until a new governor is  
12 elected and qualified, or until a preceding named officer becomes available; but no  
13 emergency interim successor to the ~~mentioned~~ those offices may serve as  
14 governor.

15 **SECTION 142.** 166.08 (4) of the statutes is renumbered 323.53 (2), and 323.53  
16 (2) (title), (a) and (b) (intro.) and 3., as renumbered, are amended to read:

17 **323.53 (2)** (title) ~~EMERGENCY INTERIM~~ INTERIM SUCCESSORS FOR OTHER STATE  
18 OFFICERS. (a) All state officers, subject to such regulations as that the governor, or  
19 other official authorized under the constitution or this section to exercise the powers  
20 and discharge the duties of the office of governor, may issue, shall, in addition to any  
21 deputy authorized to exercise all of the powers and discharge the duties of the office,  
22 designate by title ~~emergency~~ interim successors and specify their order of succession.  
23 The officer shall review and revise, as necessary, designations made ~~pursuant to~~  
24 under this section to ensure their current status. The officer shall designate a  
25 sufficient number of ~~emergency~~ interim successors so that there will be not less fewer

1 than 3 nor more than 7 deputies or ~~emergency~~ interim successors or any combination  
2 of deputies or ~~emergency~~ interim successors, at any time.

3 (b) (intro.) If, during a state of emergency resulting from enemy action, any  
4 state officer is unavailable ~~following an attack,~~ and if his or her deputy, if any, is also  
5 unavailable, the powers of his or her office shall be exercised and the duties of his or  
6 her office shall be discharged by his or her designated ~~emergency~~ interim successors  
7 in the order specified. The ~~emergency~~ interim successor shall exercise the powers  
8 and discharge the duties of the office only until any of the following occurs:

9 3. An officer, the officer's deputy or a preceding named ~~emergency~~ interim  
10 successor becomes available to exercise, or resume the exercise of, the powers and  
11 discharge the duties of the office.

12 **SECTION 143.** 166.08 (5) of the statutes is repealed.

13 **SECTION 144.** 166.08 (6) (title) of the statutes is repealed.

14 **SECTION 145.** 166.08 (6) of the statutes is renumbered 323.54 (2) and amended  
15 to read:

16 323.54 (2) ~~This section applies to officers of all political subdivisions not~~  
17 ~~included in sub. (5).~~ Such officers, Each officer of a political subdivision for whom an  
18 interim successor is not determined by ordinance or resolution adopted under sub.  
19 (1) shall, subject to such regulations as the executive head of the political subdivision  
20 issues, shall designate by title, if feasible, or by named person, ~~emergency~~ interim  
21 successors and specify their order of succession. The officer shall review and revise,  
22 as necessary, designations made pursuant to this section to ensure their current  
23 status. The officer shall designate a sufficient number of persons so that there will  
24 be not less fewer than 3 nor more than 7 deputies or ~~emergency~~ interim successors  
25 or any combination thereof at any time. If any officer of any political subdivision or

1 his or her deputy provided for pursuant to law is unavailable, the powers of the office  
2 shall be exercised and duties shall be discharged by his or her designated emergency  
3 interim successors in the order specified. The emergency interim successor shall  
4 exercise the powers and discharge the duties of the office to which designated until  
5 such time as a ~~the~~ vacancy which may exist that exists is filled in accordance with  
6 the constitution or statutes or until the officer or his or her deputy or a preceding  
7 emergency interim successor again becomes available to exercise the powers and  
8 discharge the duties of his or her office.

9 **SECTION 146.** 166.08 (7) of the statutes is renumbered 323.55 (1) and amended  
10 to read:

11 **323.55 (1) STATUS AND QUALIFICATIONS OF DESIGNEES.** No person shall ~~may~~ be  
12 designated or serve as an emergency interim successor under this subchapter unless  
13 he or she is eligible under the constitution and statutes to hold the office to which  
14 powers and duties he or she is designated to succeed, but no constitutional or  
15 statutory provision prohibiting local or state officials from holding another office  
16 shall be applicable to an emergency interim successor.

17 **SECTION 147.** 166.08 (8) of the statutes is renumbered 323.55 (2) and amended  
18 to read:

19 **323.55 (2) FORMALITIES OF TAKING OFFICE.** ~~Emergency interim~~ Interim  
20 successors shall take ~~such oath as may be~~ any oath required for them to exercise the  
21 powers and discharge the duties of the office to which they may succeed. No person,  
22 as a prerequisite to the exercise of the powers or discharge of the duties of an office  
23 to which he or she succeeds, shall be required to comply with any other provision of  
24 law relative to taking office.

1           **SECTION 148.** 166.08 (9) of the statutes is renumbered 323.55 (3) and amended  
2 to read:

3           323.55 (3) PERIOD ~~IN~~ DURING WHICH AUTHORITY MAY BE EXERCISED. ~~Officials~~  
4 ~~authorized to act as governor pursuant to this section and emergency interim~~  
5 ~~successors are empowered to exercise the powers and discharge the duties of an office~~  
6 ~~as herein authorized~~ An interim successor to an office may discharge the duties of  
7 the office only during the continuance of an emergency resulting from enemy action  
8 in the form of an attack. The legislature, by joint resolution, may at any time  
9 terminate the authority of ~~said emergency~~ an interim successors successor to  
10 exercise the powers and discharge the duties of office ~~as herein provided~~ in this  
11 subchapter.

12           **SECTION 149.** 166.08 (10) of the statutes is renumbered 323.55 (4) and amended  
13 to read:

14           323.55 (4) REMOVAL OF DESIGNEES. Until such time as the persons designated  
15 as emergency interim successors are authorized to exercise the powers and discharge  
16 the duties of an office in accordance with this section, ~~said subchapter,~~ those persons  
17 shall serve in their designated capacities at the pleasure of the designating authority.

18           **SECTION 150.** 166.08 (11) of the statutes is renumbered 323.55 (5) and amended  
19 to read:

20           323.55 (5) DISPUTES. Any dispute concerning a question of fact arising under  
21 this section ~~subchapter~~ with respect to an office in the executive branch of the state  
22 government, except a dispute of fact relative to the office of governor, shall be  
23 adjudicated by the governor or other official authorized under the constitution or this  
24 section ~~subchapter~~ to exercise the powers and discharge the duties of the office of  
25 governor and his or her decision shall be final.

1           **SECTION 151.** 166.09 of the statutes is renumbered 323.44 and amended to  
2 read:

3           **323.44 Public shelters; immunity from civil liability.** (1) Any person  
4 owning or controlling real estate ~~or other premises~~ property who voluntarily and  
5 without compensation grants to the state or any of its political subdivisions a license  
6 ~~or privilege, or otherwise~~ permits the state or any of its political subdivisions to  
7 inspect, designate, and use the whole or any part thereof of the real property for the  
8 purpose of sheltering persons during an actual, impending, mock or practice attack  
9 shall, together with his or her successors in interest, if any, not be civilly liable a  
10 disaster, an imminent threat of a disaster, or a related training exercise is immune  
11 from civil liability for negligently causing the death of or injury to any person on or  
12 about such real estate ~~or premises~~ under such license, privilege or permission or for  
13 loss or damage to the real property of such person while it is being used to shelter  
14 persons during a disaster, an imminent threat of a disaster, or a related training  
15 exercise, if the owner or controller has complied with sub. (2).

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

22           **SECTION 152.** 166.10 (intro.) of the statutes is repealed.

23           **SECTION 153.** 166.10 (1) to (5) of the statutes are renumbered 16.61 (3) (d) 1.  
24 to 5.

25           **SECTION 154.** 166.15 (title) of the statutes is renumbered 895.065 (title).

1           **SECTION 155.** 166.15 (1) (intro.), (a), (b), (c) and (d) of the statutes are  
2 renumbered 895.065 (1) (intro.), (a), (b), (c) and (d).

3           **SECTION 156.** 166.15 (1) (e) of the statutes is renumbered 895.065 (1) (e), and  
4 895.065 (1) (e) 6., as renumbered, is amended to read:

5           895.065 (1) (e) 6. Expenses incurred by an emergency provider in preparing for  
6 and responding to a nuclear incident ~~which~~ that are not reimbursed under s. 166.03  
7 ~~(1) (b) 2. or 3. or (2) (b) 7. or 292.11 (7) or that are not paid by another state under a~~  
8 mutual aid agreement or by a gift or grant.

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

9           **SECTION 157.** 166.15 (1) (f) to (k), (2), (3), (4) and (5) of the statutes are  
10 renumbered 895.065 (1) (f) to (k), (2), (3), (4) and (5).

11           **SECTION 158.** 166.20 (title) of the statutes is renumbered 323.60 (title).

12           **SECTION 159.** 166.20 (1) (intro.) of the statutes is renumbered 323.60 (1) (intro.)  
13 and amended to read:

14           323.60 (1) DEFINITIONS. (intro.) In ~~ss. 166.20 to 166.215~~ this subchapter:

15           **SECTION 160.** 166.20 (1) (b) and (c) of the statutes are renumbered 323.60 (1)  
16 (b) and (c).

17           **SECTION 161.** 166.20 (1) (d) of the statutes is renumbered 323.60 (1) (d) and  
18 amended to read:

19           323.60 (1) (d) “Facility plan” means a plan for response to the release of  
20 hazardous substances from a specific facility, prepared as a component of a local  
21 emergency response plan under sub. (5) (a) ~~4~~ and under 42 USC 11003.

22           **SECTION 162.** 166.20 (1) (e) and (f) of the statutes are renumbered 323.60 (1)  
23 (e) and (f).

24           **SECTION 163.** 166.20 (1) (fm) of the statutes is repealed.

1           **SECTION 164.** 166.20 (1) (g) of the statutes is renumbered 323.60 (1) (g).

2           **SECTION 165.** 166.20 (1) (ge) of the statutes is renumbered 323.02 (11), and  
3 323.02 (11) (d), as renumbered, is and amended to read:

4           323.02 (11) (d) Response operations must be conducted in confined, poorly  
5 ventilated areas and the absence of conditions under ~~subds. 1. to 3. pars. (a) to (c)~~ has  
6 not been established.

7           **SECTION 166.** 166.20 (1) (gi) of the statutes is renumbered 323.02 (12).

8           **SECTION 167.** 166.20 (1) (gk) of the statutes is renumbered 323.02 (13) and  
9 amended to read:

10           323.02 (13) “Local emergency response team” means a team that the local  
11 emergency planning committee identifies under s. ~~166.21~~ 323.61 (2m) (e).

12           **SECTION 168.** 166.20 (1) (gm) of the statutes is repealed.

13           **SECTION 169.** 166.20 (1) (h) and (i) of the statutes are renumbered 323.60 (1)  
14 (h) and (i).

15           **SECTION 170.** 166.20 (1) (im) of the statutes is repealed.

16           **SECTION 171.** 166.20 (1) (j) of the statutes is renumbered 323.60 (1) (j), and  
17 323.60 (1) (j) (intro.), 1. and 2., as renumbered, are amended to read:

18           323.60 (1) (j) (intro.) “Threshold quantity” means a designated quantity of any  
19 of the following:

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

22           2. A toxic chemical which, if used by or present at a facility, makes the facility  
23 subject to the requirements of sub. (5) ~~(a) 4.~~ (d).

24           **SECTION 172.** 166.20 (1) (k) of the statutes is renumbered 323.60 (1) (k).



1           **SECTION 173.** 166.20 (2) (intro.) of the statutes is renumbered 323.60 (2) (intro.)  
2 and amended to read:

3           323.60 (2) DUTIES OF THE DIVISION. (intro.) The division shall do all of the  
4 following:

5           **SECTION 174.** 166.20 (2) (a) of the statutes is renumbered 323.60 (2) (a) and  
6 amended to read:

7           323.60 (2) (a) ~~Carry out all requirements of a~~ Serve as the state emergency  
8 response commission under the federal act.

9           **SECTION 175.** 166.20 (2) (b) of the statutes is renumbered 323.60 (2) (b).

10          **SECTION 176.** 166.20 (2) (bg) of the statutes is renumbered 323.60 (2) (bg) and  
11 amended to read:

12          323.60 (2) (bg) Promulgate rules establishing an amount not to exceed \$6,000  
13 that may be an eligible cost for computers in an emergency planning grant under s.  
14 ~~166.21~~ 323.61 (2) (br).

15          **SECTION 177.** 166.20 (2) (bm) of the statutes is renumbered 323.70 (7) (a) and  
16 amended to read:

17          323.70 (7) (a) ~~Promulgate~~ The division shall promulgate rules establishing  
18 standards to determine all of the following:

19           1. If a regional or local emergency response team has made a good faith effort  
20 to identify a person responsible for the emergency involving a release or potential  
21 release of a hazardous substance under s. ~~166.215 (3) or 166.22~~ sub. (4) or s. 323.71  
22 (4).

23           2. If a person responsible for the emergency involving a release or potential  
24 release of a hazardous substance under s. ~~166.215 (3) or 166.22~~ sub. (4) or s. 323.71  
25 (4) is financially able or has the money or resources necessary to reimburse a regional

1 or local emergency response team for the expenses incurred by the regional or local  
2 emergency response team in responding to the emergency.

3 **SECTION 178.** 166.20 (2) (bs) 1. of the statutes is renumbered 323.70 (7) (b) and  
4 amended to read:

5 323.70 (7) (b) ~~Promulgate~~ The division shall promulgate rules that establish  
6 the procedures that a regional emergency response team shall follow to determine  
7 if an emergency that requires the team's response exists as the result of a level A  
8 release or a potential level A release.

9 **SECTION 179.** 166.20 (2) (bs) 2. of the statutes is renumbered 323.70 (7) (c) and  
10 amended to read:

11 323.70 (7) (c) ~~Promulgate~~ The division shall promulgate rules that establish  
12 the procedures that a local emergency response team shall follow to determine if an  
13 emergency that requires the team's response exists as the result of a release or  
14 potential release of a hazardous substance, as defined in s. 299.01 (6).

15 **SECTION 180.** 166.20 (2) (c) of the statutes is renumbered 323.60 (2) (c).

16 **SECTION 181.** 166.20 (2) (d) of the statutes is renumbered 323.60 (2) (d) and  
17 amended to read:

18 323.60 (2) (d) Administer the grant program under s. ~~166.21~~ 323.61.

19 **SECTION 182.** 166.20 (2) (e) of the statutes is renumbered 323.60 (2) (e).

20 **SECTION 183.** 166.20 (2) (f) of the statutes is renumbered 323.60 (2) (f).

21 **SECTION 184.** 166.20 (3) (intro.) of the statutes is renumbered 323.60 (3) (intro.)  
22 and amended to read:

23 323.60 (3) DUTIES OF COMMITTEES. (intro.) A committee shall do all of the  
24 following:

25 **SECTION 185.** 166.20 (3) (a) of the statutes is renumbered 323.60 (3) (a).

1           **SECTION 186.** 166.20 (3) (b) of the statutes is renumbered 323.60 (3) (b) and  
2 amended to read:

3           323.60 **(3)** (b) Upon receipt by the committee or the committee's designated  
4 community emergency coordinator of a notification under sub. (5) ~~(a) 2.~~ (b) of the  
5 release of a hazardous substance, take all actions necessary to ensure the  
6 implementation of the local emergency response plan.

7           **SECTION 187.** 166.20 (3) (c) of the statutes is renumbered 323.60 (3) (c) and  
8 amended to read:

9           323.60 **(3)** (c) Consult and coordinate with the county board, the county and  
10 local heads of emergency management ~~services~~ designated under s. ~~166.03 (4) (a) or~~  
11 ~~(b)~~ 323.14 (1) (a) 2. or (b) 2. and the county emergency management committee  
12 designated under s. ~~166.03 (4) (c)~~ 323.14 (1) (a) 3. in the execution of the local  
13 emergency planning committee's duties under this section.

14           **SECTION 188.** 166.20 (4) of the statutes is renumbered 323.60 (4), and 323.60  
15 (4) (a) and (c), as renumbered, are amended to read:

16           323.60 **(4)** (a) Upon receipt of a notification under sub. (5) ~~(a) 2.~~ (b) or s. 292.11  
17 (2) of the release of a hazardous substance, provide all information contained in the  
18 notification to the division.

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

22           **SECTION 189.** 166.20 (4m) of the statutes is renumbered 323.60 (4m) and  
23 amended to read:

24           323.60 **(4m)** COOPERATION. A state agency, federally recognized American  
25 Indian tribe or band, or local governmental unit may assist the division or a

1 committee in the performance of its duties under this section and may enter into an  
2 agreement with the division or a committee.

3 **SECTION 190.** 166.20 (5) (title) of the statutes is renumbered 323.60 (5) (title).

4 **SECTION 191.** 166.20 (5) (a) 1., 2. and 3. of the statutes are renumbered 323.60  
5 (5) (a), (b) and (c).

6 **SECTION 192.** 166.20 (5) (a) 4., 5. and 6. of the statutes are renumbered 323.60  
7 (5) (d), (e) and (f), and 323.60 (5) (d) 3., (e) and (f), as renumbered, are amended to  
8 read:

9 323.60 (5) (d) 3. All facilities with 10 or more employees in major group  
10 classifications 10 to 13 in the standard industrial classification manual, 1987  
11 edition, published by the U.S. office of management and budget, at which a toxic  
12 chemical is used at or above an applicable threshold quantity, except that compliance  
13 with the toxic chemical release form requirements under this ~~subd. 4. c.~~ subdivision  
14 is not required for the placement of a toxic chemical in a storage or disposal site or  
15 facility that is located at a facility with a permit under ch. 293 if the toxic chemical  
16 consists of or is contained in merchantable by-products as defined in s. 293.01 (7),  
17 minerals as defined in s. 293.01 (8) or refuse as defined in s. 293.01 (25).

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

4 **SECTION 193.** 166.20 (5) (b) of the statutes is repealed.

5 **SECTION 194.** 166.20 (5m) and (6) of the statutes are renumbered 323.60 (5m)  
6 and (6).

7 **SECTION 195.** 166.20 (7) (title) of the statutes is renumbered 323.60 (7) (title).

8 **SECTION 196.** 166.20 (7) (a) (intro.) of the statutes is renumbered 323.60 (7) (a)  
9 (intro.) and amended to read:

10 323.60 (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~~ 323.61:

13 **SECTION 197.** 166.20 (7) (a) 1. of the statutes is renumbered 323.60 (7) (a) 1. and  
14 amended to read:

15 323.60 (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.~~

17 **SECTION 198.** 166.20 (7) (a) 2. of the statutes is renumbered 323.60 (7) (a) 2. and  
18 amended to read:

19 323.60 (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).

22 **SECTION 199.** 166.20 (7) (b), (d), (dm) and (e) of the statutes are renumbered  
23 323.60 (7) (b), (d), (dm) and (e), and 323.60 (7) (b) and (dm), as renumbered, are  
24 amended to read:

1           323.60 (7) (b) The operator of a facility subject to the requirements of sub. (5)  
2     ~~(a) 1. or 3. (a) or (c)~~ shall pay the fees under par. (a). The division may establish, by  
3     rule, a surcharge to be paid by the operator of a facility if the operator fails to pay the  
4     fees under par. (a) in a timely manner. The surcharge under this paragraph shall not  
5     exceed 20% of the original fee.

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

10          **SECTION 200.** 166.20 (7m) and (8) of the statutes are renumbered 323.60 (7m)  
11     and (8), and 323.60 (8) (a), as renumbered, is amended to read:

12          323.60 (8) (a) The department of justice, at its own discretion or at the request  
13     of the division or the committee or district attorney for the county in which the  
14     violation is alleged to have occurred, shall enforce subs. (2) to (7) and rules  
15     promulgated under subs. (2) to (7). In any action commenced under this paragraph,  
16     the department of justice may request the assistance of the district attorney for the  
17     county in which the violation is alleged to have occurred and the district attorney  
18     shall provide the requested assistance. If the alleged violation was allegedly  
19     committed by a federally recognized American Indian tribe or band, only the  
20     department of justice may enforce subs. (2) to (7) and rules promulgated under subs.  
21     (2) to (7).

\*\*\*\*NOTE: Should the exception from DA enforcement apply also to events that  
occur on tribal lands?

22          **SECTION 201.** 166.20 (9) (title) of the statutes is renumbered 323.60 (9) (title).

1           **SECTION 202.** 166.20 (9) (a) of the statutes is renumbered 323.60 (9) (a), and  
2           323.60 (9) (a) 1. a., b. and c., 2. (intro.), a., b. and c. and 3., as renumbered, are  
3           amended to read:

4           323.60 **(9)** (a) 1. a. Any person for failure to submit a follow-up emergency  
5           notice under 42 USC 11004 (c), as applied under sub. (5) ~~(a) 2.~~ (b).

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

7           c. The division for failure to render a decision in response to a petition under  
8           42 USC 11042 (d), as applied under sub. (5) ~~(a) 5.~~ (e), within 9 months after receipt  
9           of the petition.

10          2. (intro.) The division or any ~~county, city, village or town~~ local unit of  
11          government may commence a civil action against any person for failure to do any of  
12          the following:

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

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

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

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

23          **SECTION 203.** 166.20 (9) (b) of the statutes is renumbered 323.60 (9) (b).

24          **SECTION 204.** 166.20 (9) (c) 1. of the statutes is renumbered 323.60 (9) (c).

25          **SECTION 205.** 166.20 (9) (e) of the statutes is repealed.

1           **SECTION 206.** 166.20 (10) of the statutes is renumbered 323.60 (10).

2           **SECTION 207.** 166.20 (11) of the statutes is renumbered 323.60 (11), and 323.60  
3 (11) (a), (b) (intro.), (c) and (d), as renumbered, are amended to read:

4           323.60 **(11)** (a) Any person who violates sub. (5) (a) ~~1., 2. or 4.,~~ (b), or (d), or the  
5 emergency and hazardous chemical inventory form requirements of 42 USC 11022,  
6 as applied under sub. (5) ~~(a) 3. (c),~~ or any rule promulgated under sub. (5) (a) ~~1., 2.~~  
7 ~~or 4.,~~ (b), or (d), or concerning emergency and hazardous chemical inventory form  
8 requirements shall forfeit not less than \$100 nor more than \$25,000. Total  
9 forfeitures for the failure of a facility to report multiple releases of hazardous  
10 substances covered under 42 USC 11004, as applied under sub. (5) ~~(a),~~ shall not  
11 exceed \$75,000 per day of offense.

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

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

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

24           **SECTION 208.** 166.21 (title) of the statutes is renumbered 323.61 (title).

25           **SECTION 209.** 166.21 (1) (title) of the statutes is renumbered 323.61 (1) (title).



1           **SECTION 210.** 166.21 (1) (a) of the statutes is renumbered 323.61 (1) (a) and  
2 amended to read:

3           323.61 **(1)** (a) There is created an emergency planning grant program for the  
4 purpose of assisting committees to comply with the requirements of s. ~~166.20~~ 323.60  
5 and the federal act.

6           **SECTION 211.** 166.21 (1) (b) and (2) of the statutes are renumbered 323.61 (1)  
7 (b) and (2), and 323.61 (2) (d), as renumbered, is amended to read:

8           323.61 **(2)** (d) Any other activity of the committee required under s. ~~166.20~~  
9 323.60 or the federal act.

10          **SECTION 212.** 166.21 (2m) (intro.) and (a) to (e) of the statutes are renumbered  
11 323.61 (2m) (intro.) and (a) to (e).

12          **SECTION 213.** 166.21 (2m) (f) of the statutes is renumbered 323.61 (2m) (f) and  
13 amended to read:

14          323.61 **(2m)** (f) Procedures for local emergency response team actions that are  
15 consistent with local emergency response plans developed under s. ~~166.20~~ 323.60 (3)  
16 and the state contingency plan established under s. 292.11 (5).

17          **SECTION 214.** 166.21 (3), (4) and (5) of the statutes are renumbered 323.61 (3),  
18 (4) and (5), and 323.61 (3) (c), as renumbered, is amended to read:

19          323.61 **(3)** (c) Notwithstanding sub. (2), the division shall deny that portion of  
20 a grant calculated under par. (a) 2. if the division determines that the committee has  
21 failed to meet grant obligations, including the development, review, exercise or  
22 implementation of local emergency response plans as required under s. ~~166.20~~  
23 323.60 or the federal act.

24          **SECTION 215.** 166.215 (title) of the statutes is renumbered 323.70 (title).

1           **SECTION 216.** 166.215 (1) of the statutes is renumbered 323.70 (2) and amended  
2 to read:

3           323.70 (2) ~~Beginning July 1, 2001, the~~ The division shall contract with no more  
4 than 9 regional emergency response teams, one of which shall be located in La Crosse  
5 County. Each regional emergency response team shall assist in the emergency  
6 response to level A releases in a region of this state designated by the division. The  
7 division shall contract with at least one regional emergency response team in each  
8 area designated under s. ~~166.03 (2) (b) 1.~~ 323.13 (2) (a). The division may only  
9 contract with a local agency, ~~as defined in s. 166.22 (1) (c),~~ under this subsection. A  
10 member of a regional emergency response team shall meet the highest standards for  
11 a hazardous materials responder in 29 CFR 1910.120 (q) (6) (iv) and National Fire  
12 Protection Association standards NFPA 471 and 472. Regional emergency response  
13 teams shall have at least one member that is trained in each of the appropriate  
14 specialty areas under National Fire Protection Association standard NFPA 472.  
15 Payments to regional emergency response teams under this subsection shall be made  
16 from the appropriation account under s. 20.465 (3) (dd).

17           **SECTION 217.** 166.215 (2) of the statutes is renumbered 323.70 (3) and amended  
18 to read:

19           323.70 (3) The division shall reimburse a regional emergency response team  
20 for costs incurred by the team in responding to an emergency involving a level A  
21 release, or a potential level A release, if the team followed the procedures in the rules  
22 promulgated under s. ~~166.20 (2) (bs) 1.~~ sub. (7) (b) to determine if an emergency  
23 requiring a response existed. Reimbursement under this subsection is limited to  
24 amounts collected under sub. ~~(3) (4)~~ and the amounts appropriated under s. 20.465  
25 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the regional

1 emergency response team has made a good faith effort to identify the person  
2 responsible under sub. ~~(3)~~ (4) and that person cannot be identified, or, if that person  
3 is identified, the team has received reimbursement from that person to the extent  
4 that the person is financially able or has determined that the person does not have  
5 adequate money or other resources to reimburse the regional emergency response  
6 team.

7 **SECTION 218.** 166.215 (3) (intro.) of the statutes is renumbered 323.70 (4)  
8 (intro.) and amended to read:

9 323.70 **(4)** (intro.) A person shall reimburse the division for costs incurred by  
10 a regional emergency response team in responding to an emergency involving a level  
11 A release or a potential level A release if the team followed the procedures  
12 established under s. ~~166.20 (2) (bs) 1.~~ sub. (7) (b) to determine if an emergency  
13 requiring the team's response existed and if any of the following conditions applies:

14 **SECTION 219.** 166.215 (3) (a) of the statutes is renumbered 323.70 (4) (a).

15 **SECTION 220.** 166.215 (3) (b) of the statutes is renumbered 323.70 (4) (b).

16 **SECTION 221.** 166.215 (4) of the statutes is renumbered 323.70 (5) and amended  
17 to read:

18 323.70 **(5)** A member of a regional emergency response team who is acting  
19 under a contract under sub. ~~(1)~~ (2) is considered an employee of the state for purposes  
20 of worker's compensation benefits.

21 **SECTION 222.** 166.215 (5) of the statutes is renumbered 323.70 (6) and amended  
22 to read:

23 323.70 **(6)** The division shall notify the joint committee on finance in writing,  
24 before entering into a new contractual agreement under sub. ~~(1)~~ (2) or renewing or  
25 extending a contractual agreement under sub. ~~(1)~~ (2), of the specific funding

1 commitment involved in that proposed new, renewed or extended contract. The  
2 division shall include in that notification information regarding any anticipated  
3 contractual provisions that involve state fiscal commitments for each fiscal year in  
4 the proposed new, renewed or extended contract. The division may enter into a new  
5 contractual agreement or renew or extend a contractual agreement, as proposed in  
6 the notification to the joint committee on finance, if within 14 working days after  
7 notification the committee does not schedule a meeting to review the division's  
8 proposed action. If, within 14 working days after notification to the joint committee  
9 on finance, the committee notifies the division that the committee has scheduled a  
10 meeting to review the division's proposed action, the division may enter into the  
11 proposed new contact or renew or extend the contract as proposed only if the  
12 committee approves that action.

13 **SECTION 223.** 166.22 (title) of the statutes is renumbered 323.71 (title).

14 **SECTION 224.** 166.22 (1) (intro.) of the statutes is renumbered 323.70 (1) (intro.)  
15 and amended to read:

16 323.70 (1) (intro.) In this ~~section~~ subchapter:

17 **SECTION 225.** 166.22 (1) (b), (c) and (d) of the statutes are renumbered 323.70  
18 (1) (a), (b) and (c), and 323.70 (1) (c), as renumbered, is amended to read:

19 323.70 (1) (c) "Local emergency response team" means a team that the  
20 committee identifies under s. ~~166.21~~ 323.61 (2m) (e).

21 **SECTION 226.** 166.22 (2) of the statutes is renumbered 323.71 (1).

22 **SECTION 227.** 166.22 (3) of the statutes is renumbered 323.71 (2) and amended  
23 to read:

24 323.71 (2) If action required under sub. ~~(2)~~ (1) is not being adequately taken  
25 or the identity of the person responsible for an emergency involving a release or

1 potential release of a hazardous substance is unknown and the emergency involving  
2 a release or potential release threatens public health or safety or damage to property,  
3 a local agency may take any emergency action that is consistent with the contingency  
4 plan for the undertaking of emergency actions in response to the release or potential  
5 release of hazardous substances established by the department of natural resources  
6 under s. 292.11 (5) and that it considers appropriate under the circumstances.

7 **SECTION 228.** 166.22 (3m) of the statutes is renumbered 323.71 (3) and  
8 amended to read:

9 323.71 (3) The division shall reimburse a local emergency response team for  
10 costs incurred by the team in responding to an emergency involving a hazardous  
11 substance release, or potential release, if the team followed the procedures in the  
12 rules promulgated under s. ~~166.20 (2) (bs) 2.~~ 323.70 (7) (c) to determine if an  
13 emergency requiring the team's response existed. Reimbursement under this  
14 subsection is limited to the amount appropriated under s. 20.465 (3) (dr).  
15 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency  
16 response team has made a good faith effort to identify the person responsible under  
17 sub. (4) and that person cannot be identified, or, if that person is identified, the team  
18 has received reimbursement from that person to the extent that the person is  
19 financially able or has determined that the person does not have adequate money or  
20 other resources to reimburse the local emergency response team.

21 **SECTION 229.** 166.22 (4) (a) of the statutes is renumbered 323.71 (4) (a).

22 **SECTION 230.** 166.22 (4) (b) of the statutes is renumbered 323.71 (4) (b) and  
23 amended to read:

24 323.71 (4) (b) A local emergency response team may receive reimbursement  
25 under par. (a) only if the team followed the procedures established under s. ~~166.20~~

1 ~~(2) (bs) 2.~~ 323.70 (7) (c) to determine if an emergency requiring the team's response  
2 existed.

3 **SECTION 231.** 166.22 (5) of the statutes is renumbered 323.71 (5).

4 **SECTION 232.** 166.22 (6) of the statutes is renumbered 323.71 (6).

5 **SECTION 233.** 166.23 (title) of the statutes is repealed.

6 **SECTION 234.** 166.23 (1) of the statutes is renumbered 323.11 and amended to  
7 read:

8 **323.11 Declaration by local government.** ~~Notwithstanding any other~~  
9 ~~provision of law to the contrary, the~~ The governing body of any county, city, village,  
10 ~~or town is empowered to~~ local unit of government may declare, by ordinance or  
11 resolution, an emergency existing within the county, city, village, or town local unit  
12 of government whenever conditions arise by reason of war, ~~conflagration, flood,~~  
13 ~~heavy snow storm, blizzard, catastrophe, disaster,~~ a riot or civil commotion, acts of  
14 God, ~~and including conditions, without limitation because of enumeration, which~~  
15 ~~impair~~ a disaster, or an imminent threat of a disaster, that impairs transportation,  
16 food or fuel supplies, medical care, fire, health or police protection, or other vital  
17 ~~facilities~~ critical systems of the county, city, village, or town local unit of government.  
18 The period of the emergency shall be limited by the ordinance or resolution to the  
19 time during which the emergency conditions exist or are likely to exist.

\*\*\*NOTE: This draft substitutes "disaster" for the types of emergencies listed here.  
The new definition of "disaster" is in newly created s. 323.02 (6), around page 75 of this  
draft.

20 **SECTION 235.** 166.23 (2) of the statutes is renumbered 323.14 (4) (a) and  
21 amended to read:

22 323.14 **(4)** (a) The emergency power of the governing body conferred under sub.  
23 ~~(1)~~ s. 323.11 includes the general authority to order, by ordinance or resolution,

1 whatever is necessary and expedient for the health, safety, protection, and welfare  
2 ~~and good order of the county, city, village, or town persons and property within the~~  
3 local unit of government in the emergency and includes ~~without limitation because~~  
4 ~~of enumeration~~ the power to bar, restrict, or remove all unnecessary traffic, both  
5 vehicular and pedestrian, from the local highways, notwithstanding any provision  
6 of chs. 341 to 349 or any other provisions of law. ~~The governing body of the county,~~  
7 ~~city, village, or town may provide penalties for violation of any emergency ordinance~~  
8 ~~or resolution not to exceed a \$100 forfeiture or, in default of payment of the forfeiture,~~  
9 ~~6 months' imprisonment for each separate offense.~~

10 **SECTION 236.** 166.23 (2m) of the statutes is renumbered 323.14 (3) (a) and  
11 amended to read:

12 323.14 (3) (a) If the governing body of a ~~county, city, village, or town~~ local unit  
13 of government declares an emergency under ~~sub. (1)~~ s. 323.11 and intends to make  
14 use of behavioral health providers, health care providers, pupil services providers,  
15 ~~or substance abuse prevention providers~~ volunteer health care practitioners, as  
16 specified in ~~s. 250.042 (4)~~ 257.03, the governing body or its agent shall, as soon as  
17 possible, notify the department of health services of this intent.

18 **SECTION 237.** 166.23 (3) of the statutes is renumbered 323.14 (4) (b) and  
19 amended to read:

20 323.14 (4) (b) If, because of the emergency conditions, the governing body of the  
21 ~~county, city, village, or town~~ local unit of government is unable to meet with  
22 ~~promptness~~ promptly, the chief executive officer or acting chief executive officer of  
23 any ~~county, city, village, or town~~ local unit of government shall exercise by  
24 proclamation all of the powers conferred upon the governing body under ~~sub. (1) or~~  
25 ~~(2) which within the discretion of the officer~~ par. (a) or s. 323.11 that appear necessary

1 and expedient ~~for the purposes herein set forth~~. The proclamation shall be subject  
2 to ratification, alteration, modification, or repeal by the governing body as soon as  
3 that body can meet, but the subsequent action taken by the governing body shall not  
4 affect the prior validity of the proclamation.

5 **SECTION 238.** 166.25 of the statutes is renumbered 323.24 and amended to  
6 read:

7 **323.24 Prohibition against restricting firearms or ammunition during**  
8 **emergency.** A person who is granted emergency powers under s. ~~166.03 or 166.23~~  
9 this subchapter may not use those powers to restrict the lawful possession, transfer,  
10 sale, transport, storage, display, or use of firearms or ammunition during an  
11 emergency.

12 **SECTION 239.** 166.30 of the statutes is renumbered 323.80.

13 **SECTION 240.** 250.01 (intro.) of the statutes is amended to read:

14 **250.01 Definitions.** (intro.) In chs. 250 to ~~256~~ 257, unless the context requires  
15 otherwise:

16 **SECTION 241.** 250.01 (6g) of the statutes is amended to read:

17 250.01 **(6g)** “Public health authority” means the department, if the governor  
18 declares under s. ~~166.03 (1) (b) 1.~~ 323.10 a state of emergency related to public health  
19 and designates the department as the lead state agency to respond to that  
20 emergency.

21 **SECTION 242.** 250.01 (6r) of the statutes is amended to read:

22 250.01 **(6r)** “Public health emergency” has the meaning given in s. ~~166.02 (7)~~  
23 323.02 (16).

24 **SECTION 243.** 250.03 (3) (a) (intro.) of the statutes is amended to read:



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

7           **SECTION 244.** 250.042 (1) of the statutes is amended to read:

8           250.042 (1) If the governor declares a state of emergency related to public  
9 health under s. 166.03 (1) (b) ~~1. 323.10~~ and designates the department as the lead  
10 state agency to respond to that emergency, the department shall act as the public  
11 health authority during the period of the state of emergency. The department shall  
12 ensure that the emergency operations during the state of emergency are conducted  
13 using the incident command system required under s. 166.03 (2) (a) ~~1. 323.13 (1) (b).~~  
14 During the period of the state of emergency, the secretary may designate a local  
15 health department as an agent of the department and confer upon the local health  
16 department, acting under that agency, the powers and duties of the public health  
17 authority.

18           **SECTION 245.** 250.042 (4) (a) (intro.) of the statutes is repealed.

19           **SECTION 246.** 250.042 (4) (a) 1. of the statutes is renumbered 257.01 (1) (intro.)  
20 and amended to read:

21           257.01 (1) (intro.) “Behavioral health provider” means ~~an~~ any of the following:  
22           (a) An individual who at any time within 10 years before a state of emergency  
23 ~~is declared under s. 166.03 (1) (b) 1. or 166.23, has, under chapter ch. 455, been is~~  
24 ~~licensed as a psychologist or has, under ch. 457, been is~~ certified as a social worker

1 or licensed as a clinical social worker, a marriage and family therapist, or a  
2 professional counselor.

3 **SECTION 247.** 250.042 (4) (a) 2. of the statutes is renumbered 257.01 (4).

4 **SECTION 248.** 250.042 (4) (a) 3. of the statutes is renumbered 257.01 (5) (intro.)  
5 and amended to read:

6 257.01 (5) (intro.) “Health care provider” means an any of the following:

7 (a) An individual who, at any time within 10 years before a state of emergency  
8 is declared under s. 166.03 (1) (b) 1. or 166.23, has met requirements for a nurse aide  
9 under s. 146.40 (2) (a), (c), (e), (em), or (g), has been is licensed as a physician, a  
10 physician assistant, or a podiatrist under ch. 448, licensed as a registered nurse,  
11 licensed practical nurse, or nurse–midwife under ch. 441, licensed as a dentist under  
12 ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian under ch.  
13 453, or has been certified as a respiratory care practitioner under ch. 448.

14 **SECTION 249.** 250.042 (4) (a) 3m. of the statutes is renumbered 257.01 (6).

15 **SECTION 250.** 250.042 (4) (a) 4. of the statutes is renumbered 257.01 (9) (intro.)  
16 and amended to read:

17 257.01 (9) (intro.) “Pupil services provider” means an any of the following:

18 (a) An individual who, at any time within 10 years before a state of emergency  
19 is declared under s. 166.03 (1) (b) 1. or 166.23, has been is licensed as a school  
20 counselor, school psychologist, or school social worker under rules promulgated by  
21 the department of public instruction.

22 **SECTION 251.** 250.042 (4) (a) 5. of the statutes is renumbered 257.01 (11) (intro.)  
23 and amended to read:

24 257.01 (11) (intro.) “Substance abuse prevention provider” means an any of the  
25 following:

1           ~~(a) An individual who, at any time within 10 years before a state of emergency~~  
2 ~~is declared under s. 166.03 (1) (b) 1. or 166.23, has been~~ is certified as a counselor,  
3 supervisor, or specialist described under s. HFS 75.02 (11) and (84), Wis. Adm. Code,  
4 in effect on January 20, 2006, or ~~has been~~ certified as a substance abuse counselor,  
5 clinical supervisor, or prevention specialist under s. 440.88.

6           **SECTION 252.** 250.042 (4) (b) of the statutes is renumbered 257.03 (1) (intro.)  
7 and amended to read:

8           257.03 (1) (intro.) ~~A behavioral health provider, health care provider, pupil~~  
9 ~~services provider, or substance abuse prevention provider~~ Except as provided in sub.  
10 (3), a practitioner who, during a state of emergency declared under s. 166.03 (1) (b)  
11 ~~1. or 166.23~~ and in a geographic area in which the state of emergency applies,  
12 ~~provides behavioral health services, health care services, pupil services, or~~  
13 ~~substance abuse prevention services for which the behavioral health provider, health~~  
14 ~~care provider, pupil services provider, or substance abuse prevention provider~~  
15 individual is or has been licensed or, certified, registered, or, as in the case of a nurse  
16 aide, has met requirements under s. 146.40 qualified, is, for any claim arising from  
17 the provision of these the services, a state agent of the department for purposes of  
18 under ss. 165.25 (6), 893.82, and 895.46 and, except as provided in sub. (2), is  
19 considered an employee of the state for ~~purposes of~~ worker's compensation benefits.  
20 under ch. 102 if all of the following apply:

21           ~~(a) The behavioral health services, health care services, pupil services, or~~  
22 ~~substance abuse prevention services shall be~~ are provided on behalf of a health care  
23 facility or mass clinic ~~on a voluntary, unpaid basis, except that the behavioral health~~  
24 ~~provider, health care provider, pupil services provider, or substance abuse~~  
25 ~~prevention provider may accept reimbursement for travel, lodging, and meals. The~~

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

4 **SECTION 253.** 250.042 (4) (c) of the statutes is repealed.

5 **SECTION 254.** 252.06 (10) (c) of the statutes is amended to read:

6 252.06 **(10)** (c) All expenses incurred by a local health department, or by an  
7 entity designated as a local health department by a federally recognized American  
8 Indian tribe or band in this state, in quarantining a person outside his or her home  
9 during a state of emergency related to public health declared by the governor under  
10 s. ~~166.03 (1) (b) 1.~~ 323.10 and not reimbursed from federal funds shall be paid for  
11 under either of the following, as appropriate:

12 1. If the governor designates the department as the lead state agency under s.  
13 ~~166.03 (1) (b) 1.~~ 323.10, from the appropriation under s. 20.435 (1) (c).

14 2. If the governor does not designate the department as the lead state agency  
15 under s. ~~166.03 (1) (b) 1.~~ 323.10, from the appropriation under s. 20.465 (3) (e).

16 **SECTION 255.** 254.34 (1) (am) of the statutes is amended to read:

17 254.34 **(1)** (am) A rule identical to a rule specified under par. (a) may be  
18 promulgated by a state agency other than the department and an ordinance identical  
19 to a rule specified under par. (a) may be enacted by a local governmental unit, but  
20 no rule may be promulgated or ordinance may be enacted that differs from a rule  
21 under par. (a) and relates to the same subject area except as provided under ss.  
22 ~~166.03 (2) (b) 6., 293.15 (8) and, 293.25, and 323.13 (2) (f).~~

23 **SECTION 256.** 256.08 (4) (i) of the statutes is amended to read:

24 256.08 **(4)** (i) Provide advice to the adjutant general of the department of  
25 military affairs on the emergency medical aspects of the state plan of emergency

1 management under s. ~~166.03 (2) (a) 1.~~ 323.13 (1) (b) and coordinate emergency  
2 activities with the department of military affairs.

3 **SECTION 257.** 256.15 (2) of the statutes is amended to read:

4 256.15 (2) LICENSE OR CERTIFICATE REQUIRED. No Except when acting under s.  
5 257.03, no person may act as or advertise for the provision of services as an  
6 ambulance service provider unless the person holds an ambulance service provider  
7 license issued under this section. No Except when acting under s. 257.03, no  
8 individual may act as or advertise for the provision of services as an emergency  
9 medical technician unless he or she holds an emergency medical technician license  
10 or training permit issued under sub. (5). No Except when acting under s. 257.03, no  
11 individual may act as or advertise for the provision of services as a first responder  
12 unless he or she holds a first responder certificate issued under sub. (8).

13 **SECTION 258.** Chapter 257 (title) of the statutes is created to read:

14 **CHAPTER 257**

15 **EMERGENCY VOLUNTEER HEALTH CARE**

16 **PRACTITIONERS**

17 **SECTION 259.** 257.01 (intro.) of the statutes is created to read:

18 **257.01 Definitions.** (intro.) In this chapter:

19 **SECTION 260.** 257.01 (1) (b) and (c) of the statutes are created to read:

20 257.01 (1) (b) An individual who was at any time within the previous 10 years,  
21 but is not currently, licensed as a psychologist under ch. 455 or certified as a social  
22 worker or licensed as a clinical social worker, a marriage and family therapist, or a  
23 professional counselor under ch. 457, if the individual's license or certification was  
24 never revoked, limited, suspended, or denied renewal.

1 (c) An individual who holds a valid, unexpired license, certification, or  
2 registration issued by another state or territory that authorizes or qualifies the  
3 individual to perform acts that are substantially the same as those acts that an  
4 individual under par. (a) is licensed or certified to perform.

5 **SECTION 261.** 257.01 (2) of the statutes is created to read:

6 257.01 (2) “Emergency medical services provider” means any of the following:

7 (a) An individual who is licensed as an emergency medical technician or  
8 certified as a first responder under s. 256.15.

9 (b) An individual who was at any time in the previous 10 years, but is not  
10 currently, licensed as an emergency medical technician or certified as a first  
11 responder under s. 256.15, if the individual’s license was never revoked, limited,  
12 suspended, or denied renewal.

13 (c) An individual who holds a valid, unexpired license, certification, or  
14 registration issued by another state or territory that authorizes or qualifies the  
15 individual to perform acts that are substantially the same as those acts that an  
16 individual under par. (a) is licensed or certified to perform.

17 **SECTION 262.** 257.01 (3) of the statutes is created to read:

18 257.01 (3) “Funeral director” means any of the following:

19 (a) An individual who is licensed as a funeral director under ch. 445.

20 (b) An individual who was at any time within the previous 10 years, but is not  
21 currently, licensed as a funeral director under ch. 445, if the individual’s license was  
22 never revoked, limited, suspended, or denied renewal.

23 (c) An individual who holds a valid, unexpired license, certification, or  
24 registration issued by another state or territory that authorizes or qualifies the

1 individual to perform acts that are substantially the same as those acts that an  
2 individual under par. (a) is licensed to perform.

3 **SECTION 263.** 257.01 (5) (b) and (c) of the statutes are created to read:

4 257.01 (5) (b) An individual who was at any time within the previous 10 years,  
5 but is not currently, licensed as a physician, a physician assistant, or a podiatrist  
6 under ch. 448, licensed as a registered nurse, licensed practical nurse, or  
7 nurse–midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a  
8 pharmacist under ch. 450, or certified as a respiratory care practitioner under ch.  
9 448, if the individual’s license or certification was never revoked, limited, suspended,  
10 or denied renewal.

11 (c) An individual who holds a valid, unexpired license, certification, or  
12 registration issued by another state or territory that authorizes or qualifies the  
13 individual to perform acts that are substantially the same as those acts that an  
14 individual under par. (a) is licensed or certified to perform.

15 **SECTION 264.** 257.01 (7) of the statutes is created to read:

16 257.01 (7) “Nurse aide” means any of the following:

17 (a) An individual who satisfies the requirements for a nurse aide under s.  
18 146.40 (2) (a), (c), (e), (em), or (g).

19 (b) An individual who did at any time within the previous 10 years, but does  
20 not currently, satisfy the requirements for a nurse aide under s. 146.40 (2) (a), (c), (e),  
21 (em), or (g), if the individual’s name has never been listed under s. 146.40 (4g) (a) 2.,  
22 2005 stats., or s. 146.40 (4g) (a) 2.

23 (c) An individual who holds a valid, unexpired license, certification, or  
24 registration issued by another state or territory that authorizes or qualifies the

1 individual to perform acts that are substantially the same as those acts that an  
2 individual under par. (a) is qualified to perform.

3 **SECTION 265.** 257.01 (8) of the statutes is created to read:

4 257.01 (8) “Practitioner” means a behavioral health provider, emergency  
5 medical services provider, funeral director, health care provider, nurse aide, pupil  
6 services provider, substance abuse prevention provider, or veterinary provider.

7 **SECTION 266.** 257.01 (9) (b) and (c) of the statutes are created to read:

8 257.01 (9) (b) An individual who was at any time within the previous 10 years,  
9 but is not currently, licensed as a school counselor, a school psychologist, or a school  
10 social worker under rules promulgated by the department of public instruction, if the  
11 individual’s license was never revoked, limited, suspended, or denied renewal.

12 (c) An individual who holds a valid, unexpired license, certification, or  
13 registration issued by another state or territory that authorizes or qualifies the  
14 individual to perform acts that are substantially the same as those acts that an  
15 individual under par. (a) is licensed to perform.

16 **SECTION 267.** 257.01 (10) of the statutes is created to read:

17 257.01 (10) “State of emergency” means a state of emergency declared under  
18 s. 323.10 or 323.11 or a federal state of emergency.

19 **SECTION 268.** 257.01 (11) (b) and (c) of the statutes are created to read:

20 257.01 (11) (b) An individual who was at any time in the previous 10 years, but  
21 is not currently, certified as a counselor, supervisor, or specialist described under s.  
22 HFS 75.02 (11) and (84), Wis. Adm. Code, in effect on January 20, 2006, or certified  
23 as a substance abuse counselor, clinical supervisor, or prevention specialist under s.  
24 440.88, if the individual’s certification was never revoked, limited, suspended, or  
25 denied renewal.



1 (c) An individual who holds a valid, unexpired license, certification, or  
2 registration issued by another state or territory that authorizes or qualifies the  
3 individual to perform acts that are substantially the same as those acts that an  
4 individual under par. (a) is certified to perform.

5 **SECTION 269.** 257.01 (12) of the statutes is created to read:

6 257.01 (12) “Veterinary provider” means any of the following:

7 (a) An individual who is licensed as a veterinarian or certified as a veterinary  
8 technician under ch. 453.

9 (b) An individual who was at any time within the previous 10 years, but is not  
10 currently, licensed as a veterinarian or certified as a veterinary technician under ch.  
11 453, if the individual’s license or certification was never revoked, limited, suspended,  
12 or denied renewal.

13 (c) An individual who holds a valid, unexpired license, certification, or  
14 registration issued by another state or territory that authorizes or qualifies the  
15 individual to perform acts that are substantially the same as those acts that an  
16 individual under par. (a) is licensed or certified to perform.

17 **SECTION 270.** 257.02 of the statutes is created to read:

18 **257.02 Volunteer registry.** The department shall establish and maintain an  
19 electronic system that may be used to verify the credentials of and register volunteer  
20 practitioners before or during a state of emergency.

21 **SECTION 271.** 257.03 (title) of the statutes is created to read:

22 **257.03 (title) Volunteer practitioners indemnified.**

23 **SECTION 272.** 257.03 (1) (b), (c) and (d) of the statutes are created to read:

24 257.03 (1) (b) The health care facility, mass clinic, department, or local health  
25 department on whose behalf the practitioner provides the services does not

1 compensate the practitioner for the services, except the health care facility, mass  
2 clinic, department, or local health department may reimburse the practitioner for  
3 travel, lodging, or meals. The practitioner's employer may compensate the  
4 practitioner for the services as long as the employer is not the health care facility,  
5 mass clinic, department, or local health department on whose behalf the services are  
6 provided.

7 (c) The practitioner is registered in the system under s. 257.02.

8 (d) If the practitioner provides the services at a health care facility or mass  
9 clinic, the practitioner first registers in writing with the health care facility or mass  
10 clinic.

11 **SECTION 273.** 257.03 (2) of the statutes is created to read:

12 257.03 (2) A practitioner who provides services under sub. (1) is not considered  
13 an employee of the state for worker's compensation benefits under ch. 102 if the  
14 practitioner's employer compensates the practitioner for providing the services.

15 **SECTION 274.** 257.03 (3) of the statutes is created to read:

16 257.03 (3) A practitioner is not a state agent of the department under ss. 165.25  
17 (6), 893.82, and 895.46 if the practitioner's acts or omissions involve reckless,  
18 wanton, or intentional misconduct.

19 **SECTION 275.** 257.04 of the statutes is created to read:

20 **257.04 Health care facilities indemnified.** The health care facility on  
21 whose behalf services under s. 257.03 are provided is, for the provision of the services,  
22 a state agent of the department for purposes of ss. 165.25 (6), 893.82, and 895.46.

23 **SECTION 276.** 292.11 (12) (b) of the statutes is amended to read:

24 292.11 (12) (b) This section applies to all releases of hazardous substances for  
25 which a notification must be made under s. ~~166.20 (5) (a) 2.~~ 323.60 (5) (b).

1           **SECTION 277.** 321.39 (1) (a) 3. of the statutes is amended to read:

2           321.39 (1) (a) 3. If the governor declares a state of emergency relating to public  
3 health under s. ~~166.03 (1) (b)~~ 323.10.

4           **SECTION 278.** 321.65 (1) (a) 2. of the statutes is amended to read:

5           321.65 (1) (a) 2. Active service with the state laboratory of hygiene under s.  
6 36.25 (11) (em) for the purpose of assisting the department of health services under  
7 s. 250.042 during a state of emergency relating to public health declared by the  
8 governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

9           **SECTION 279.** Chapter 323 (title) of the statutes is created to read:

10                                   **CHAPTER 323**

11                                   **EMERGENCY MANAGEMENT**

12           **SECTION 280.** Subchapter I (title) of chapter 323 [precedes 323.01] of the  
13 statutes is created to read:

14                                   **CHAPTER 323**

15                                   SUBCHAPTER I

16                                   GENERAL PROVISIONS

17           **SECTION 281.** 323.02 (6) of the statutes is created to read:

18           323.02 (6) “Disaster” means a severe or prolonged, natural or human-caused,  
19 occurrence that threatens or negatively impacts life, health, property,  
20 infrastructure, the environment, the security of this state or a portion of this state,  
21 or critical systems, including computer, telecommunications, or agricultural  
22 systems.

23           **SECTION 282.** 323.02 (10) of the statutes is created to read:

24           323.02 (10) “Law enforcement officer” has the meaning given in s. 165.85 (2)  
25 (c).

1           **SECTION 283.** 323.02 (15) of the statutes is created to read:

2           323.02 (15) “Local unit of government” means a county, city, village, or town.

3           **SECTION 284.** 323.02 (17) of the statutes is created to read:

4           323.02 (17) “Public works” means the physical structures and facilities  
5 developed or acquired by a local unit of government or a federally recognized  
6 American Indian tribe or band in this state to provide services and functions for the  
7 benefit and use of the public, including water, sewerage, waste disposal, utilities, and  
8 transportation.

9           **SECTION 285.** 323.02 (19) of the statutes is created to read:

10          323.02 (19) “State agency” means any office, commission, board, department,  
11 or bureau of state government.

12          **SECTION 286.** Subchapter II (title) of chapter 323 [precedes 323.10] of the  
13 statutes is created to read:

14   **CHAPTER 323**

15   SUBCHAPTER II

16   POWERS AND DUTIES RELATED TO

17   EMERGENCY MANAGEMENT

18          **SECTION 287.** 323.12 (title) of the statutes is created to read:

19          **323.12** (title) **Governor; duties and powers.**

20          **SECTION 288.** 323.12 (1) (intro.) of the statutes is created to read:

21          323.12 (1) ONGOING DUTIES. (intro.) The governor shall do all of the following:

22          **SECTION 289.** 323.12 (2) (intro.) of the statutes is created to read:

23          323.12 (2) ONGOING POWERS. (intro.) The governor may do all of the following:

24          **SECTION 290.** 323.12 (4) (intro.) of the statutes is created to read:

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

3           **SECTION 291.** 323.13 (title) of the statutes is created to read:

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

5           **SECTION 292.** 323.13 (1) (title) of the statutes is created to read:

6           323.13 **(1)** (title) ONGOING DUTIES.

7           **SECTION 293.** 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 294.** 323.13 (2) (h) of the statutes is created to read:

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

13          **SECTION 295.** 323.14 (1) (title) of the statutes is created to read:

14          323.14 **(1)** (title) ONGOING DUTIES.

15          **SECTION 296.** 323.14 (1) (a) 1. of the statutes is created to read:

16          323.14 **(1)** (a) 1. Subject to subd. 3., each county board shall develop and adopt  
17 an emergency management plan and program that is compatible with the state plan  
18 of emergency management under s. 323.13 (1) (b).

19          **SECTION 297.** 323.14 (2) (title) of the statutes is created to read:

20          323.14 **(2)** (title) ONGOING POWERS.

21          **SECTION 298.** 323.14 (2) (a) of the statutes is created to read:

22          323.14 **(2)** (a) The governing body of a local unit of government may appropriate  
23 funds and levy taxes for its emergency management program under sub. (1).

24          **SECTION 299.** 323.14 (3) (title) of the statutes is created to read:

25          323.14 **(3)** (title) DUTIES DURING AN EMERGENCY.

1           **SECTION 300.** 323.14 (4) (title) of the statutes is created to read:

2           323.14 **(4)** (title) POWERS DURING AN EMERGENCY.

3           **SECTION 301.** 323.15 (title) of the statutes is created to read:

4           **323.15 (title) Heads of emergency management; powers and duties.**

5           **SECTION 302.** 323.15 (1) (title) of the statutes is created to read:

6           323.15 **(1)** (title) ONGOING DUTIES.

7           **SECTION 303.** 323.17 of the statutes is created to read:

8           **323.17 State traffic patrol officers and conservation wardens.** If the  
9           governor calls out the state traffic patrol or conservation warden service, or members  
10          of the patrol or service, under s. 323.12 (2) (c), the state traffic patrol officers or  
11          conservation wardens subject to the call shall have the powers of a law enforcement  
12          officer for the duration determined by the governor, except that the officers and  
13          wardens may not be used in or take part in any dispute or controversy between an  
14          employer and employee concerning wages, hours, labor, or working conditions.

15          **SECTION 304.** 323.18 of the statutes is created to read:

16          **323.18 State agency volunteers.** A state agency may register or preregister  
17          volunteers to assist the agency during a disaster, an imminent threat of a disaster,  
18          or a related training exercise.

19          **SECTION 305.** 323.19 of the statutes is created to read:

20          **323.19 State official authority to grant variances to statutes and rules**  
21          **for a disaster. (1)** The secretary of health services may grant a hospital a variance  
22          to a statute or rule affecting hospitals in response to a disaster as provided in s. 50.36  
23          (6).

24          **(2)** The pharmacy examining board may grant a variance to ch. 450 or a rule  
25          promulgated under ch. 450 in response to a disaster as provided in s. 450.02 (3m).

\*\*\*\*NOTE: Please review. Do you want to amend s. 450.02 (3m) (a) 1. to refer to a disaster as defined in s. 323.02 (6)?

1       **SECTION 306.** 323.28 (2) of the statutes is created to read:

2       **323.28 (2)** A person who violates an ordinance or resolution enacted or adopted  
3 relating to a disaster is subject to a forfeiture not to exceed \$200.

\*\*\*\*NOTE: Do we need this? They have this authority now?

4       **SECTION 307.** Subchapter III (title) of chapter 323 [precedes 323.30] of the  
5 statutes is created to read:

6                                       **CHAPTER 323**

7                                       SUBCHAPTER III

8                                       DISASTER ASSISTANCE PROGRAMS

9       **SECTION 308.** Subchapter IV (title) of chapter 323 [precedes 323.40] of the  
10 statutes is created to read:

11                                      **CHAPTER 323**

12                                      SUBCHAPTER IV

13                                      LIABILITY AND EXEMPTIONS

14       **SECTION 309.** 323.40 of the statutes is created to read:

15       **323.40 Responsibility for worker’s compensation. (1)** EMPLOYEES OF  
16 LOCAL UNIT OF GOVERNMENT. An employee of a local unit of government’s emergency  
17 management program is an employee of that local unit of government for worker’s  
18 compensation under ch. 102 unless the responsibility to pay worker’s compensation  
19 benefits are assigned as provided under s. 66.0313 or under an agreement between  
20 the local unit of government and the state or another local unit of government.

21       **(2) STATE AGENCY VOLUNTEERS.** A volunteer who registers with a state agency  
22 to assist the agency without compensation during a disaster, an imminent threat of  
23 a disaster, or a related training exercise is considered an employee of the agency for

1 worker's compensation under ch. 102, for purposes of any claim related to the  
2 assistance provided.

\*\*\*NOTE: Do we want to specify that reimbursement for food, travel, and lodging  
does not prohibit an individual from being treated as a volunteer?

3 **(3) LOCAL UNIT OF GOVERNMENT VOLUNTEERS.** (a) Except as provided in par. (b),  
4 an individual who registers in writing with a local unit of government's emergency  
5 management program to provide his or her own labor without compensation during  
6 a disaster, an imminent threat of a disaster, or a related training exercise is  
7 considered an employee of the local unit of government for worker's compensation  
8 under ch. 102 for purposes of any claim relating to the labor provided.

\*\*\*NOTE: Do we want to specify that reimbursement for food, travel, and lodging  
does not prohibit an individual from being treated as a volunteer?

9 (b) This subsection does not apply to an individual's provision of services if s.  
10 257.03 applies.

11 **SECTION 310.** 323.41 (title), (1), (2), (3), (4) and (6) of the statutes are created  
12 to read:

13 **323.41 (title) Liability of state or local unit of government. (1) EMPLOYEE**  
14 **OF LOCAL UNIT OF GOVERNMENT.** An employee of a local unit of government's emergency  
15 management program is an employee of that local unit of government under ss.  
16 893.80, 895.35, and 895.46 for purposes of any claim, unless the responsibility  
17 related to a claim under ss. 893.80, 895.35, and 895.46 is assigned as provided under  
18 s. 66.0313 or under an agreement between the local unit of government and the state  
19 or another local unit of government.

20 **(2) STATE AGENCY VOLUNTEERS.** Except as provided in s. 323.45, a volunteer who  
21 registers with a state agency to assist the agency without compensation during a  
22 disaster, an imminent threat of a disaster, or a related training exercise is considered



1 an employee of the agency under ss. 893.82 and 895.46, for purposes of any claim  
2 related to the assistance provided.

\*\*\*NOTE: Do we want to specify that reimbursement for food, travel, and lodging  
does not prohibit an individual from being treated as a volunteer?

3 **(3) LOCAL UNIT OF GOVERNMENT VOLUNTEERS.** (a) Except as provided in par. (b),  
4 an individual who registers in writing with a local unit of government's emergency  
5 management program to provide his or her own labor without compensation during  
6 a disaster, an imminent threat of a disaster, or a related training exercise is  
7 considered an employee of the local unit of government under ss. 893.80, 895.35, and  
8 895.46 for purposes of any claim relating to the labor provided.

\*\*\*NOTE: Do we want to specify that reimbursement for food, travel, and lodging  
does not prohibit an individual from being treated as a volunteer?

9 (b) This subsection does not apply to an individual's provision of services if s.  
10 257.03 or 323.45 applies.

11 **(4) EXCEPTIONS.** This section does not apply if the person's act or omission  
12 involves reckless, wanton, or intentional misconduct.

13 **SECTION 311.** 323.42 of the statutes is created to read:

14 **323.42 Reimbursement of local units of government. (1)** In any calendar  
15 year, if the amount the local unit of government is liable for under ss. 323.40 and  
16 323.41 plus losses incurred under s. 323.43 exceed \$1 per capita of the local unit of  
17 government's population, the state shall reimburse the local unit of government the  
18 amount of the excess.

19 **(2)** In addition, the state shall reimburse a local unit of government for any  
20 future expenses for worker's compensation and expenses under ss. 893.80, 895.35,  
21 and 895.46 that result from an incident that occurred in a calendar year for which  
22 the state reimbursed the local unit of government under sub. (1).

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

3           **SECTION 312.** 323.45 (4) of the statutes is created to read:

4           323.45 **(4)** (a) This section does not apply to a person’s provision of services if  
5 s. 257.03 or 323.41 applies.

6           (b) This section does not apply to a person’s provision of facilities if s. 257.04  
7 or 323.44 applies.

8           **SECTION 313.** Subchapter V (title) of chapter 323 [precedes 323.50] of the  
9 statutes is created to read:

10   **CHAPTER 323**

11   SUBCHAPTER V

12   EMERGENCY LOCATION AND

13   CONTINUITY OF GOVERNMENT

14           **SECTION 314.** 323.50 (1) of the statutes, as affected by 2009 Wisconsin Act ....  
15 (this act), is amended to read:

16           323.50 **(1)** “Interim successor” means a person designated under this  
17 subchapter, if the officer is unavailable as the result of ~~enemy action~~ a disaster or the  
18 imminent threat of a disaster, to exercise the powers and discharge the duties of an  
19 office until a successor is appointed or elected and qualified as provided by law or  
20 until the lawful incumbent is able to resume the exercise of the powers and discharge  
21 the duties of the office.

22           **SECTION 315.** 323.53 (1) of the statutes, as affected by 2009 Wisconsin Act ....  
23 (this act), is amended to read:

24           323.53 **(1)** EMERGENCY INTERIM SUCCESSORS TO OFFICE OF GOVERNOR. If, during  
25 a state of emergency resulting from ~~enemy action~~ a disaster or the imminent threat

1 of a disaster, the governor is unavailable and the lieutenant governor and the  
2 secretary of state are unavailable, the attorney general, state treasurer, speaker of  
3 the assembly, and the president of the senate shall in the order named if the  
4 preceding named officers are unavailable, exercise the powers and discharge the  
5 duties of the office of governor until a new governor is elected and qualified, or until  
6 a preceding named officer becomes available; but no interim successor to those offices  
7 may serve as governor.

8 **SECTION 316.** 323.53 (2) (b) (intro.) of the statutes, as affected by 2009  
9 Wisconsin Act .... (this act), is amended to read:

10 323.53 **(2)** (b) (intro.) If, during a state of emergency resulting from ~~enemy~~  
11 ~~action~~ a disaster or the imminent threat of a disaster, any state officer is unavailable  
12 and his or her deputy, if any, is also unavailable, the powers of his or her office shall  
13 be exercised and the duties of his or her office shall be discharged by his or her  
14 designated interim successors in the order specified. The interim successor shall  
15 exercise the powers and discharge the duties of the office only until any of the  
16 following occurs:

17 **SECTION 317.** 323.54 (1) of the statutes, as affected by 2009 Wisconsin Act ....  
18 (this act), is amended to read:

19 323.54 **(1)** The governing body of any political subdivision may enact  
20 ordinances and resolutions to provide a method by which interim appointments to  
21 public office are made during periods of emergency to fill vacancies in offices that  
22 result from ~~enemy action~~ a disaster or the imminent threat of a disaster. The  
23 ordinances or resolutions shall define the scope of the powers and duties that interim  
24 appointees may exercise, and shall provide for termination of the interim  
25 appointments.



## EMERGENCY MANAGEMENT ASSISTANCE

## COMPACT

**SECTION 323.** 341.04 (intro.) of the statutes is amended to read:

**341.04 Penalty for operating unregistered or improperly registered vehicle.** (intro.) Except during a state of emergency proclaimed under ch. 166 323:

**SECTION 324.** 440.88 (5) of the statutes is amended to read:

**440.88 (5) CERTIFICATION REQUIRED.** Except as provided in sub. (3m) and s. ~~250.042 (4) (b)~~ 257.03, no person may represent himself or herself to the public as a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist or use in connection with his or her name a title or description that conveys the impression that he or she is a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist unless he or she is so certified under sub. (2).

**SECTION 325.** 441.06 (4) of the statutes is amended to read:

**441.06 (4)** Except as provided in s. ~~250.042 (4) (b)~~ 257.03, no person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is licensed under this section. Except as provided in s. ~~250.042 (4) (b)~~ 257.03, no person not so licensed may use in connection with his or her nursing employment or vocation any title or anything else to indicate that he or she is a trained, certified or graduate nurse. This subsection does not apply to any person who is licensed to practice nursing by a jurisdiction, other than this state, that has adopted the nurse licensure compact under s. 441.50.

**SECTION 326.** 441.10 (3) (c) of the statutes is amended to read:

1           441.10 (3) (c) No license is required for practical nursing, but, except as  
2 provided in s. ~~250.042 (4) (b)~~ 257.03, no person without a license may hold himself  
3 or herself out as a licensed practical nurse or licensed attendant, use the title or  
4 letters “Trained Practical Nurse” or “T.P.N.”, “Licensed Practical Nurse” or “L.P.N.”,  
5 “Licensed Attendant” or “L.A.”, “Trained Attendant” or “T.A.”, or otherwise seek to  
6 indicate that he or she is a licensed practical nurse or licensed attendant. No licensed  
7 practical nurse or licensed attendant may use the title, or otherwise seek to act as  
8 a registered, licensed, graduate or professional nurse. Anyone violating this  
9 subsection shall be subject to the penalties prescribed by s. 441.13. The board shall  
10 grant without examination a license as a licensed practical nurse to any person who  
11 was on July 1, 1949, a licensed attendant. This paragraph does not apply to any  
12 person who is licensed to practice practical nursing by a jurisdiction, other than this  
13 state, that has adopted the nurse licensure compact under s. 441.50.

14           **SECTION 327.** 441.15 (2) (intro.) of the statutes is amended to read:

15           441.15 (2) (intro.) Except as provided in sub. (2m) and s. ~~250.042 (4) (b)~~ 257.03,  
16 no person may engage in the practice of nurse–midwifery unless each of the following  
17 conditions is satisfied:

18           **SECTION 328.** 441.15 (5) (a) 5. of the statutes is amended to read:

19           441.15 (5) (a) 5. The provision of services by a nurse–midwife under s. ~~250.042~~  
20 ~~(4) (b)~~ 257.03.

21           **SECTION 329.** 445.04 (2) of the statutes, as affected by 2007 Wisconsin Act 20,  
22 is amended to read:

23           445.04 (2) ~~No~~ Except as provided in s. 257.03, no person may engage in the  
24 business of a funeral director, or make a representation as engaged in such business,  
25 in whole or in part, unless first licensed as a funeral director by the examining board.

1 Application for a license, other than a renewal, shall be in writing and verified on a  
2 form to be furnished by the department. The application must specify the address  
3 at which the applicant proposes to conduct the business of a funeral director and  
4 shall contain such other information as the examining board requires to determine  
5 compliance with the requirements of this chapter. Accompanying the application  
6 shall be the initial credential fee determined by the department under s. 440.03 (9)  
7 (a), together with affidavits of recommendation from at least 2 persons of the county  
8 in which the applicant resides or proposes to conduct the business of a funeral  
9 director.

10 **SECTION 330.** 447.03 (1) (intro.) of the statutes is amended to read:

11 447.03 **(1)** DENTISTS. (intro.) Except as provided under sub. (3) and s. ~~250.042~~  
12 ~~(4)-(b) 257.03~~, no person may do any of the following unless he or she is licensed to  
13 practice dentistry under this chapter:

14 **SECTION 331.** 448.03 (2) (p) of the statutes is amended to read:

15 448.03 **(2)** (p) The provision of services by a health care provider under s.  
16 ~~250.042 (4) (b) 257.03~~.

17 **SECTION 332.** 448.03 (3) (a) (intro.) of the statutes is amended to read:

18 448.03 **(3)** (a) (intro.) Except as provided in s. ~~250.042 (4) (b) 257.03~~, no person  
19 may use or assume the title “doctor of medicine” or append to the person’s name the  
20 letters “M.D.” unless one of the following applies:

21 **SECTION 333.** 448.03 (3) (b) of the statutes is amended to read:

22 448.03 **(3)** (b) Except as provided in s. ~~250.042 (4) (b) 257.03~~, no person not  
23 possessing the degree of doctor of osteopathy may use or assume the title “doctor of  
24 osteopathy” or append to the person’s name the letters “D.O.”.

25 **SECTION 334.** 448.03 (3) (e) of the statutes is amended to read:

1           448.03 (3) (e) Except as provided in s. ~~250.042 (4) (b)~~ 257.03, no person may  
2 designate himself or herself as a “physician assistant” or use or assume the title  
3 “physician assistant” or append to the person’s name the words or letters “physician  
4 assistant” or “P.A.” or any other titles, letters or designation which represents or may  
5 tend to represent the person as a physician assistant unless he or she is licensed as  
6 a physician assistant by the board.

7           **SECTION 335.** 448.61 of the statutes is amended to read:

8           **448.61 License required.** Except as provided in ss. ~~250.042 (4) (b)~~ 257.03 and  
9 448.62, no person may practice podiatry, designate himself or herself as a podiatrist,  
10 use or assume the title “doctor of surgical chiropody”, “doctor of podiatry” or “doctor  
11 of podiatric medicine”, or append to the person’s name the words or letters “doctor”,  
12 “Dr.”, “D.S.C.”, “D.P.M.”, “foot doctor”, “foot specialist” or any other title, letters or  
13 designation which represents or may tend to represent the person as a podiatrist  
14 unless the person is licensed under this subchapter.

15           **SECTION 336.** 448.66 of the statutes is amended to read:

16           **448.66 Malpractice.** Except as provided in s. ~~250.042 (4) (b)~~ 257.03, a person  
17 who practices podiatry without having a license under this subchapter may be liable  
18 for malpractice, and his or her ignorance of a duty ordinarily performed by a licensed  
19 podiatrist shall not limit his or her liability for an injury arising from his or her  
20 practice of podiatry.

21           **SECTION 337.** 450.03 (1) (h) of the statutes is amended to read:

22           450.03 (1) (h) The provision of services by a health care provider under s.  
23 ~~250.042 (4) (b)~~ 257.03.

24           **SECTION 338.** 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).

4           **SECTION 339.** 453.05 (1) of the statutes is amended to read:

5           453.05 (1) Except as provided under sub. (2) and s. ~~250.042 (4) (b)~~ 257.03, no  
6 person may offer to practice, advertise to practice or practice veterinary medicine,  
7 or use, in connection with his or her name, any title or description which may convey  
8 the impression that he or she is a veterinarian, without a license or temporary permit  
9 from the examining board. For purposes of this subsection, a person who makes  
10 extra-label use of a drug on an animal without a prescription or in any manner not  
11 authorized by that prescription is considered to be practicing veterinary medicine.

12           **SECTION 340.** 455.02 (1m) of the statutes is amended to read:

13           455.02 (1m) LICENSE REQUIRED TO PRACTICE. Except as provided in s. ~~250.042~~  
14 ~~(4) (b)~~ 257.03, no person may engage in the practice of psychology or the private  
15 practice of school psychology, or attempt to do so or make a representation as  
16 authorized to do so, without a license issued by the examining board.

17           **SECTION 341.** 455.02 (3m) of the statutes is amended to read:

18           455.02 (3m) USE OF TITLES. Except as provided in s. ~~250.042 (4) (b)~~ 257.03, only  
19 an individual licensed under s. 455.04 (1) may use the title “psychologist” or any  
20 similar title or state or imply that he or she is licensed to practice psychology, and  
21 only an individual licensed under s. 455.04 (4) may use the title “private practice  
22 school psychologist” or any similar title or state or imply that he or she is licensed  
23 to engage in the private practice of school psychology. Except as provided in s.  
24 ~~250.042 (4) (b)~~ 257.03, only an individual licensed under s. 455.04 (1) or (4) may

1 represent himself or herself to the public by any description of services incorporating  
2 the word “psychological” or “psychology”.

3 **SECTION 342.** 457.04 (intro.) of the statutes is amended to read:

4 **457.04 Prohibited practices.** (intro.) Except as provided in ss. ~~250.042 (4)~~  
5 ~~(b)~~ 257.03 and 457.02, no person may do any of the following:

6 **SECTION 343.** 801.50 (3m) of the statutes is created to read:

7 **801.50 (3m)** Venue in an action under s. 323.60 (8) or (9) related to hazardous  
8 substance releases shall be in the county as provided under s. 323.60 (10).

9 **SECTION 344.** 893.82 (2) (d) 1n. of the statutes is amended to read:

10 **893.82 (2) (d) 1n.** A ~~behavioral health provider, health care provider, pupil~~  
11 ~~services provider, or substance abuse prevention provider~~ practitioner who provides  
12 services under s. ~~250.042 (4)~~ 257.03 and a health care facility on whose behalf  
13 services are provided under s. ~~250.042 (4)~~ 257.04, for the provision of those services.

14 **SECTION 345.** 895.46 (5) (am) of the statutes is amended to read:

15 **895.46 (5) (am)** A ~~behavioral health provider, health care provider, pupil~~  
16 ~~services provider, or substance abuse prevention provider~~ practitioner who provides  
17 services under s. ~~250.042 (4)~~ 257.03 and a health care facility on whose behalf  
18 services are provided under s. ~~250.042 (4)~~ 257.04.

19 **SECTION 346.** 895.483 (1) of the statutes is amended to read:

20 **895.483 (1)** A regional emergency response team, a member of such a team, and  
21 a local agency, as defined in s. ~~166.22 (1) (e)~~ 323.70 (1) (b), that contracts with the  
22 division of emergency management in the department of military affairs for the  
23 provision of a regional emergency response team, are immune from civil liability for  
24 acts or omissions related to carrying out responsibilities under a contract under s.  
25 ~~166.215 (1)~~ 323.70 (2).

1           **SECTION 347.** 895.483 (2) of the statutes is amended to read:

2           895.483 **(2)** A local emergency response team, a member of such a team and the  
3 county, city, village, or town that contracts to provide the emergency response team  
4 to the county are immune from civil liability for acts or omissions related to carrying  
5 out responsibilities pursuant to a designation under s. ~~166.21 (2m) (e)~~ 323.61 (2m)  
6 (e).

7           **SECTION 348.** 895.483 (3) of the statutes is amended to read:

8           895.483 **(3)** A local emergency planning committee created under s. 59.54 (8)  
9 (a) 1. that receives a grant under s. ~~166.21~~ 323.61 is immune from civil liability for  
10 acts or omissions related to carrying out responsibilities under s. ~~166.21~~ 323.61.

11           **SECTION 349.** 895.51 (2m) of the statutes is amended to read:

12           895.51 **(2m)** Any person engaged in the manufacturing, distribution, or sale  
13 of qualified emergency household products, for profit or not for profit, who donates  
14 or sells, at a price not to exceed overhead and transportation costs, qualified  
15 emergency household products to a charitable organization or governmental unit in  
16 response to a state of emergency declared under s. ~~166.03 (1) (b) 1. or 166.23~~ 323.10  
17 or 323.11 is immune from civil liability for the death of or injury to an individual  
18 caused by the qualified emergency household product donated or sold by the person.

19           **SECTION 350.** 895.55 (2) (intro.) of the statutes is amended to read:

20           895.55 **(2)** (intro.) Notwithstanding any provision of s. 93.57, 299.11, 299.13,  
21 299.31, 299.43, 299.45, 299.51, 299.53 or 299.55, subchs. II and IV of ch. 30, ch. 29,  
22 ~~166, 281, 283, 289, 291 or, 292, or 323~~ or subch. II of ch. 295, or any other provision  
23 of this chapter, a person is immune from liability for damages resulting from the  
24 person's acts or omissions and for the removal costs resulting from the person's acts  
25 or omissions if all of the following conditions are met:

1           **SECTION 351.** 979.012 (1) of the statutes is amended to read:

2           979.012 (1) If a coroner or medical examiner is aware of the death of a person  
3 who, at the time of his or her death, had an illness or a health condition that satisfies  
4 s. ~~166.02 (7) (a)~~ 323.02 (16) (a) or if the coroner or medical examiner knows or  
5 suspects that the person had a communicable disease that, under rules promulgated  
6 by the department of health services, must be reported to a local health officer or to  
7 the state epidemiologist, the coroner or medical examiner shall report the illness,  
8 health condition, or communicable disease to the department of health services and  
9 to the local health department, as defined in s. 250.01 (4), in whose jurisdiction the  
10 coroner or medical examiner is located in writing or by electronic transmission  
11 within 24 hours of learning of the deceased's illness, health condition, or  
12 communicable disease.

13           **SECTION 352.** Laws of 1965, chapter 583, section 9 is amended to read:

14           [Laws of 1965, chapter 583] Section 9 This act shall take effect upon the filing  
15 with the secretary of state and ~~revisor of statutes~~ legislative reference bureau, by the  
16 ~~director~~ secretary of the state department of agriculture, trade and consumer  
17 protection, of a statement certifying that an act ratifying and enacting into the law  
18 the pest control compact substantially in the form set forth herein has been adopted  
19 by the states of Illinois, ~~Iowa~~, Michigan and Minnesota.

20           **SECTION 353. Initial applicability.**

21           (1) The renumbering and amendment of section 94.77 of the statutes and the  
22 creation of section 94.77 (2) and (3) of the statutes first apply to violations committed  
23 on the effective date of this subsection.

24           **SECTION 354. Effective dates.** This act takes effect on the day after  
25 publication, except as follows:

1           (1) FUNERAL DIRECTORS. The treatment of section 445.04 (2) of the statutes takes  
2 effect on July 1, 2009, or on the day after publication, whichever is later.

3           (2) SUCCESSION IN EMERGENCIES RESULTING FROM DISASTER. The amendment of  
4 sections 323.50 (1), 323.53 (1) and (2) (b) (intro.), 323.54 (1), and 323.55 (3) of the  
5 statutes takes effect on the day after the secretary of state notifies the legislature  
6 that an amendment to the Wisconsin Constitution has been approved that requires  
7 the legislature to provide for temporary succession to the powers and duties of public  
8 offices for the period of an emergency resulting from a cause other than an enemy  
9 action.

10

**(END)**