



2007 ASSEMBLY BILL 321

1 **AN ACT** *to renumber and amend* 118.07 (2); *to amend* 165.25 (6) (b), 166.23,
2 250.042 (4) (b), 893.82 (2) (d) 1n., 895.46 (5) (am), 895.51 (title) and 895.51 (2);
3 and *to create* 15.107 (18), 16.964 (1) (j), 16.9645, 118.07 (2) (b), 250.042 (4) (a)
4 3m., 895.51 (1) (bm), 895.51 (1) (dm), 895.51 (2m) and 895.51 (3m) of the
5 statutes; **relating to:** designation of state agency status for certain health care
6 facilities that use volunteer providers during a declared state of emergency;
7 providing state agency status to volunteer providers in mass clinics;
8 declarations of emergencies by counties; immunity from liability for qualified
9 food and qualified emergency household products; creating an interoperability
10 council; and requiring public and private schools to conduct tornado or other
11 hazard drills.

Analysis by the Legislative Reference Bureau

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

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1 **SECTION 1.** 15.107 (18) of the statutes is created to read:

2 15.107 **(18)** INTEROPERABILITY COUNCIL. (a) There is created an interoperability
3 council, attached to the department of administration under s. 15.03.

4 (b) The council consists of all of the following:

5 1. The executive director of the office of justice assistance, the adjutant general,
6 the secretary of natural resources, the secretary of transportation, and a
7 representative from the department of administration with knowledge of
8 information technology, or their designees.

9 2. Ten members appointed by the governor for staggered 4-year terms,
10 including a chief of police, a sheriff, a chief of a fire department, a director of
11 emergency medical services, a local government elected official, a local emergency
12 management director, a representative of a federally recognized American Indian
13 tribe or band in this state, a hospital representative, a local health department
14 representative, and one other person with relevant experience or expertise in
15 interoperable communications.

16 (c) The governor shall designate a member of the council as the chairperson and
17 a member as the vice chairperson.

18 **SECTION 2.** 16.964 (1) (j) of the statutes is created to read:

19 16.964 **(1)** (j) Provide staff support for the interoperability council under s.
20 16.9645 and oversight of the development and operation of a statewide public safety
21 interoperable communication system.

22 **SECTION 3.** 16.9645 of the statutes is created to read:

23 **16.9645 Interoperability council. (1)** In this section:

24 (a) “Council” means the interoperability council created under s. 15.107 (18).

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1 (b) “Dispatch center” has the meaning given for “public safety answering point”
2 in s. 146.70 (1) (gm).

3 (c) “Interoperability” means the ability of public safety agencies to
4 communicate with each other and with agencies and entities identified under sub.
5 (2) (a) by means of radio or associated communications systems, including the
6 exchange of voice, data, or video communications on demand and in real time, as
7 needed and authorized.

8 (d) “Public safety agency” has the meaning given in s. 146.70 (1) (g).

9 **(2)** The council shall do all of the following:

10 (a) Identify types of agencies and entities, including public works and
11 transportation agencies, hospitals, and volunteer emergency services agencies to be
12 included, in addition to public safety agencies, in a statewide public safety
13 interoperable communication system.

14 (b) Recommend short-term and long-term goals to achieve a statewide public
15 safety interoperable communication system.

16 (c) Recommend and periodically review a strategy and timeline for achieving
17 the goals under par. (b), including objectives for local units of government.

18 (d) Assist the office of justice assistance in identifying and obtaining funding
19 to implement a statewide public safety interoperable communication system.

20 (e) Advise the office of justice assistance on allocating funds, including those
21 available for homeland security, for the purpose of achieving the goals under par. (b).

22 (f) Make recommendations to the office of justice assistance on all of the
23 following:

24 1. Technical and operational standards for public safety interoperable
25 communication systems.

ASSEMBLY BILL 321**SECTION 3**

1 2. Guidelines and procedures for using public safety interoperable
2 communication systems.

3 3. Minimum standards for public safety interoperable communication systems,
4 facilities, and equipment used by dispatch centers.

5 4. Certification criteria for persons who operate public safety interoperable
6 communication systems for dispatch centers.

7 **SECTION 4m.** 118.07 (2) of the statutes is renumbered 118.07 (2) (a) and
8 amended to read:

9 118.07 (2) (a) Once each month, without previous warning, the person having
10 direct charge of any public or private school shall drill all pupils in the proper method
11 of departure from the building as if in case of fire, except when the person having
12 direct charge deems that the health of the pupils may be endangered by inclement
13 weather conditions. At least twice annually, without previous warning, the person
14 having direct charge of any public or private school shall drill all pupils in the proper
15 method of evacuation to a safe location as if in the case of a tornado or other hazard.

16 The school board or governing body of the private school shall maintain for at least
17 7 years a record of each fire drill and tornado or other hazard drill conducted.

18 **SECTION 4o.** 118.07 (2) (b) of the statutes is created to read:

19 118.07 (2) (b) In each community having a recognized fire department, the
20 person having direct charge of any public or private school shall annually file a report
21 pertaining to such drills, on a form furnished by the department of commerce, with
22 the chief of the fire department. When no fire drill is held during any month, or when
23 only one or no tornado or other hazard drill is held in a year, the person having direct
24 charge of the school shall state the reasons in the report.

25 **SECTION 5.** 165.25 (6) (b) of the statutes is amended to read:

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1 165.25 **(6)** (b) Volunteer health care providers who provide services under s.
2 146.89 or 250.042 (4) and, volunteer behavioral health providers, pupil services
3 providers, and substance abuse prevention providers who provide services under s.
4 250.042 (4), and health care facilities on whose behalf services are provided under
5 s. 250.042 (4) are, for the provision of those services, covered by this section and shall
6 be considered agents of the department of health and family services for purposes of
7 determining which agency head may request the attorney general to appear and
8 defend them.

9 **SECTION 6.** 166.23 of the statutes is amended to read:

10 **166.23 Emergency powers of counties, cities, villages and towns. (1)**

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

21 **(2)** The emergency power of the governing body conferred under sub. (1)
22 includes the general authority to order, by ordinance or resolution, whatever is
23 necessary and expedient for the health, safety, welfare and good order of the county,
24 city, village, or town in the emergency and includes without limitation because of
25 enumeration the power to bar, restrict or remove all unnecessary traffic, both

ASSEMBLY BILL 321**SECTION 6**

1 vehicular and pedestrian, from the local highways, notwithstanding any provision
2 of chs. 341 to 349 or any other provisions of law. The governing body of the county,
3 city, village, or town may provide penalties for violation of any emergency ordinance
4 or resolution not to exceed a \$100 forfeiture or, in default of payment of the forfeiture,
5 6 months' imprisonment for each separate offense.

6 **(2m)** If the governing body of a county, city, village, or town declares an
7 emergency under sub. (1) and intends to make use of behavioral health providers,
8 health care providers, pupil services providers, or substance abuse prevention
9 providers, as specified in s. 250.042 (4), the governing body or its agent shall, as soon
10 as possible, notify the department of health and family services of this intent.

11 **(3)** If, because of the emergency conditions, the governing body of the county,
12 city, village, or town is unable to meet with promptness, the chief executive officer
13 or acting chief executive officer of any county, city, village, or town shall exercise by
14 proclamation all of the powers conferred upon the governing body under sub. (1) or
15 (2) which within the discretion of the officer appear necessary and expedient for the
16 purposes herein set forth. The proclamation shall be subject to ratification,
17 alteration, modification or repeal by the governing body as soon as that body can
18 meet, but the subsequent action taken by the governing body shall not affect the prior
19 validity of the proclamation.

20 **SECTION 6m.** 250.042 (4) (a) 3m. of the statutes is created to read:

21 250.042 **(4)** (a) 3m. "Mass clinic" means a designated space that is arranged by
22 a local health department or by the department and operated during a defined period
23 of time to provide vaccination, prophylaxis, medication, or other specialized
24 treatment to a population in response to a public health emergency.

25 **SECTION 7.** 250.042 (4) (b) of the statutes is amended to read:

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1 250.042 (4) (b) A behavioral health provider, health care provider, pupil
2 services provider, or substance abuse prevention provider who, during a state of
3 emergency declared under s. 166.03 (1) (b) 1. or 166.23, provides behavioral health
4 services, health care services, pupil services, or substance abuse prevention services
5 for which the behavioral health provider, health care provider, pupil services
6 provider, or substance abuse prevention provider has been licensed or certified or, as
7 a nurse’s assistant, has met requirements, is, for the provision of these services a
8 state agent of the department for purposes of ss. 165.25 (6), 893.82, and 895.46 and
9 is an employee of the state for purposes of worker’s compensation benefits. The
10 behavioral health services, health care services, pupil services, or substance abuse
11 prevention services shall be provided on behalf of a health care facility or mass clinic
12 on a voluntary, unpaid basis, except that the behavioral health provider, health care
13 provider, pupil services provider, or substance abuse prevention provider may accept
14 reimbursement for travel, lodging, and meals. The health care facility on whose
15 behalf the services are provided is, for the provision of the services, a state agent of
16 the department for purposes of ss. 165.25 (6), 893.82, and 895.46.

17 **SECTION 8.** 893.82 (2) (d) 1n. of the statutes is amended to read:

18 893.82 (2) (d) 1n. A behavioral health provider, health care provider, pupil
19 services provider, or substance abuse prevention provider who provides services
20 under s. 250.042 (4) and a health care facility on whose behalf services are provided
21 under s. 250.042 (4), for the provision of those services.

22 **SECTION 9.** 895.46 (5) (am) of the statutes is amended to read:

23 895.46 (5) (am) A behavioral health provider, health care provider, pupil
24 services provider, or substance abuse prevention provider who provides services

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1 under s. 250.042 (4) and a health care facility on whose behalf services are provided
2 under s. 250.042 (4).

3 **SECTION 10.** 895.51 (title) of the statutes is amended to read:

4 **895.51 (title) Civil liability exemption: food or emergency household**
5 **products; donation, sale, or distribution.**

6 **SECTION 11.** 895.51 (1) (bm) of the statutes is created to read:

7 895.51 (1) (bm) “Qualified emergency household products” includes
8 flashlights, generators, blankets, personal care products, household cleaning
9 products, and emergency supplies that meet the standards for safety and quality
10 established by federal or state law, regulation, or rule, that are not defective, and that
11 have not been recalled by the consumer products safety commission.

12 **SECTION 12.** 895.51 (1) (dm) of the statutes is created to read:

13 895.51 (1) (dm) “Governmental unit” means the United States; the state; any
14 county, city, village, or town; any political subdivision, department, division, board,
15 or agency of the United States, the state, or any county, city, village, or town; or any
16 federally recognized American Indian tribe or band in this state or an agency of the
17 tribe or band.

18 **SECTION 13.** 895.51 (2) of the statutes is amended to read:

19 895.51 (2) Any person engaged in the processing, distribution, or sale of food
20 products, for profit or not for profit, who donates or sells, at a price not to exceed
21 overhead and transportation costs, qualified food to a charitable organization or, food
22 distribution service, or governmental unit is immune from civil liability for the death
23 of or injury to an individual caused by the qualified food donated or sold by the
24 person.

25 **SECTION 14.** 895.51 (2m) of the statutes is created to read:

