

**BILL****SECTION 81**

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

3           323.13 (1) (b) Subject to approval by the governor, develop and promulgate  
4 adopt a state plan of emergency management for the security of persons and property  
5 ~~which shall be mandatory during a state of emergency.~~ In developing the plan, the  
6 adjutant general shall seek the advice of the administrator, shall seek the advice of  
7 the department of health services with respect to the emergency medical aspects of  
8 the plan, and shall seek the advice of the department of administration with respect  
9 to aspects of the plan related to computer or telecommunication systems. The plan  
10 shall specify equipment and personnel standards, and shall require the use of the  
11 incident command system, and specify the type of incident command system, by all  
12 emergency response agencies, including local health departments, during a state of  
13 emergency declared under ~~sub. (1) (b) 1. or s. 166.23 (1) or in any other~~  
14 ~~multi-jurisdictional or multi-agency emergency response~~ s. 323.10 or 323.11.

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

17           323.13 (1) (c) Prescribe and carry out statewide training programs and  
18 exercises to develop emergency management proficiency, disseminate information  
19 ~~including warnings of enemy action, serve as the principal assistant to the governor~~  
20 ~~in the direction of emergency management activities,~~ and coordinate emergency  
21 management programs ~~between counties.~~ The training programs shall include  
22 training in managing emergency operations utilizing the incident command system  
23 for local unit of government officials, officers, and employees whose duties include  
24 responding to ~~emergencies~~ a disaster or the imminent threat of a disaster, including  
25 officers and employees of local health departments. The adjutant general shall

**BILL**

1 consult with the administrator, with the department of health services regarding the  
2 provision of incident command system training to local health department  
3 personnel, and with the department of administration regarding the provision of  
4 incident command system training for emergencies related to computer or  
5 telecommunication systems. To the extent possible, the adjutant general shall  
6 utilize federal funding to provide incident command system training.

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

9 323.13 (1) (d) ~~Furnish guidance and develop and promulgate~~ establish  
10 standards for emergency management programs for counties, cities, villages, and  
11 towns local units of government, and prescribe nomenclature for all levels of  
12 emergency management, with the advice of the administrator. The standards shall  
13 include a requirement that ~~county, city, village, and town~~ local unit of government  
14 emergency management programs adopted under sub. (4) (a) s. 323.14 (1) (a) 1. and  
15 (b) 1. utilize the incident command system during a state of emergency declared  
16 under sub. (1) (b) 1. or s. 166.23 (1) s. 323.10 or 323.11 or in any other  
17 multi-jurisdictional or multi-agency emergency response. The standards for fire,  
18 rescue, and emergency medical services shall include the adoption of the  
19 intergovernmental cooperation Mutual Aid Box Alarm System as a mechanism that  
20 may be used for deploying personnel and equipment in a multi-jurisdictional or  
21 multi-agency emergency response. The adjutant general shall promulgate these  
22 standards as rules. The standards for agencies that manage public works shall  
23 include the suggestion that the local unit of government, or a federally recognized  
24 American Indian tribe or band in this state, adopt the mutual assistance agreement  
25 created by the division for the intergovernmental collaboration of public works

**BILL**

1 personnel, equipment, and resources in a multi-jurisdictional or multi-agency  
2 emergency response. The adjutant general shall consult with representatives of  
3 public works professional associations and organizations regarding the content of  
4 that agreement.

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

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

7 **SECTION 86.** 166.03 (2) (a) 6. of the statutes is renumbered 323.13 (1) (f), and  
8 323.13 (1) (f) (intro.), as renumbered, is amended to read:

9 323.13 (1) (f) (intro.) No later than 90 days after a state of emergency relating  
10 to public health is declared and the department of health services is not designated  
11 under s. 166.03 (1) (b) 1. 323.10 as the lead state agency to respond to that emergency  
12 and no later than 90 days after the termination of this state of emergency relating  
13 to public health, submit to the legislature under s. 13.172 (2) and to the governor a  
14 report on all of the following:

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

17 323.13 (2) ONGOING POWERS. (intro.) The adjutant general may do all of the  
18 following:

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

21 323.13 (2) (a) Divide the state into emergency management areas regions  
22 composed of whole counties ~~by general or special written orders,~~ subject to approval  
23 by the governor, and modify the boundaries ~~thereof~~ of those regions as changed  
24 conditions warrant. ~~Such areas shall be classified and designated in accordance with~~  
25 ~~standards promulgated under the federal civil defense act of 1950, as amended.~~

**BILL**

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

3           323.13 (2) (b) Appoint a head director of emergency management for each area  
4 ~~established in accordance with subd. 1. region under par. (a)~~ under the classified  
5 service on either a part-time or full-time basis, or ~~may request~~ ask the governor to  
6 designate any state officer or employee as acting ~~area head~~ regional director on a  
7 part-time basis.

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

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

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

12          323.13 (2) (e) Organize and train state mobile support units to aid any area  
13 region during a state of emergency. ~~Such~~ The units may participate in training  
14 programs and exercises ~~both within and~~ or outside the state.

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

17          323.13 (2) (f) Request the department of health services to inspect or provide  
18 for the inspection of shipments of radioactive waste, obtain and analyze data  
19 concerning the radiation level of shipments of radioactive waste and issue reports  
20 concerning these shipments and radiation levels. The adjutant general may assess  
21 and collect and receive contributions for any costs incurred under this ~~subdivision~~  
22 paragraph from any person who produced the radioactive waste which is the subject  
23 of the activity for which the costs are incurred. In this ~~subdivision~~ paragraph,  
24 “radioactive waste” has the meaning given in s. 293.25 (1) (b).

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

**BILL****SECTION 95**

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

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

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

14           **323.31 State disaster assistance.** From the appropriations under s. 20.465  
15 (3) (b) and (s), ~~the adjutant general shall~~ make payments to local governmental units,  
16 as defined in s. 19.42 (7u), and to federally recognized American Indian tribes and  
17 bands in this state for the damages and costs incurred as the result of a ~~major~~  
18 ~~eatastrophe~~ disaster if federal disaster assistance is not available for that  
19 ~~eatastrophe~~ disaster because the governor's request that the president declare the  
20 ~~eatastrophe~~ disaster a major disaster under 42 USC 5170 has been denied or because  
21 the disaster, as determined by the department of military affairs, does not meet the  
22 statewide or countywide per capita impact indicator under the public assistance  
23 program that is issued by the federal emergency management agency. To be eligible  
24 for a payment under this ~~subdivision~~ section, the local governmental unit or tribe or  
25 band shall pay 30 percent of the amount of the damages and costs resulting from the

**BILL**

1 natural disaster. The department of military affairs shall promulgate rules  
2 establishing the application process and the criteria for determining eligibility for  
3 payments under this ~~subdivision~~ section.

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

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

7 **323.14** (title) ~~Powers and~~ Local government; duties of counties and  
8 municipalities and powers.

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

11 323.14 (1) (b) 1. The governing body of each ~~county, city, village, or town and~~  
12 ~~municipality~~ shall develop and adopt an ~~effective program~~ of emergency  
13 management ~~consistent plan and program that is compatible~~ with the state plan of  
14 emergency management and, ~~except at the county level in counties having a county~~  
15 ~~executive,~~ adopted under s. 323.13 (1) (b).

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

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

21 323.14 (1) (a) 2. Each county board shall designate a head of emergency  
22 management. In counties having a county executive under s. 59.17, the county board  
23 shall designate the county executive or confirm his or her appointee as county head  
24 of emergency management ~~services.~~ Notwithstanding sub. (2) (b), an individual may

**BILL**

1 not simultaneously serve as the head of emergency management for 2 or more  
2 counties.

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

5 323.14 (1) (a) 3. Each county board shall designate a committee of the board  
6 as a county emergency management committee ~~whose.~~ The chairperson of the  
7 county board shall be a member of the committee designated by designate the  
8 chairperson of the ~~county board.~~ The committee, in. In counties having a county  
9 executive under s. 59.17, the committee shall retain policy-making and rule-making  
10 powers in the establishment and development of county emergency management  
11 plans and programs.

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

14 323.14 (3) (b) During ~~the continuance of a state of emergency proclaimed~~  
15 declared by the governor ~~the county board of each county, a local unit of government~~  
16 situated within the area to which the governor's ~~proclamation~~ executive order  
17 applies may employ ~~the county emergency management organization and the~~  
18 personnel, facilities, and other resources ~~of the organization~~ consistent with the plan  
19 adopted under sub. (1) (a) 1. or (b) 1. to cope with the problems ~~of the emergency, and~~  
20 ~~the governing body of each municipality and town situated within the area shall have~~  
21 ~~similar authority with respect to municipal emergency management organizations,~~  
22 ~~facilities and resources~~ that resulted in the governor declaring the emergency.  
23 Nothing in this chapter prohibits ~~counties and municipalities~~ local units of  
24 government from employing their ~~emergency management organizations~~ personnel,  
25 facilities, and resources consistent with the plan adopted under sub. (1) (a) 1. or (b)

**BILL**

1 1. to cope with the problems of local ~~public emergencies~~ disasters except where  
2 restrictions are imposed by federal regulations on property donated by the federal  
3 government.

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

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

7 323.15 (1) (a) The head of emergency management ~~services in~~ for each county,  
8 ~~town and municipality~~ local unit of government shall for his or her respective county,  
9 ~~town or municipality, develop and promulgate emergency management plans~~  
10 ~~consistent with state plans, direct the emergency management program~~ implement  
11 the plan adopted under s. 323.14 (1) (a) 1. or (b) 1., whichever is applicable, and  
12 perform such other duties related to emergency management as are required by the  
13 governing body and the emergency management committee of the governing body  
14 when applicable. The emergency management plans shall require the use of the  
15 incident command system by all emergency response agencies, including local health  
16 departments, during a state of emergency declared under ~~sub. (1) (b) 1. or s. 166.23~~  
17 ~~(1) or in any other multi-jurisdictional or multi-agency emergency response s.~~  
18 323.10 or 323.11.

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

21 323.15 (1) (b) The head of emergency management ~~services in~~ for each county  
22 shall coordinate and assist in developing city, village, and ~~town and municipal~~  
23 emergency management plans within the county, integrate ~~such~~ the plans with the  
24 county plan, advise the department of military affairs of all emergency management  
25 planning in the county and submit to the adjutant general ~~such~~ the reports as that

**BILL****SECTION 105**

1 he or she requires, direct and coordinate emergency management activities  
2 throughout the county during a state of emergency, and direct countywide  
3 emergency management training programs and exercises.

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

6 323.15 (1) (c) (intro.) The head of emergency management ~~services~~ in each city,  
7 village and town and municipality shall ~~direct~~ do all of the following:

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

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

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

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

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

19 323.15 (4) POWERS DURING AN EMERGENCY. During ~~the continuance of~~ a state of  
20 emergency ~~proclaimed~~ declared by the governor, the head of emergency management  
21 ~~services in for~~ each county, town and municipality local unit of government, on behalf  
22 of his or her respective county, town or municipality local unit of government, may  
23 contract with any person to provide equipment and services on a cost basis to be used  
24 ~~in disaster relief to respond to a disaster, or the imminent threat of a disaster.~~

**BILL**

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

3           323.01 (2) ~~ROLE OF STATE AGENCY IN EMERGENCY.~~ Unless otherwise specified by  
4 law, the role of any state agency, including the department of military affairs and its  
5 ~~division of emergency government~~ the division, in an emergency declared under this  
6 chapter, is to assist local units of government and local law enforcement agencies in  
7 responding to ~~the emergency~~ a disaster or the imminent threat of a disaster.

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

10           **323.20 Emergency use of vehicles.** In responding to an official request for  
11 help during any declared state of emergency, any person may operate a boat or any  
12 motor vehicle without regard for motor vehicle registration laws and without being  
13 subject to arrest under s. 341.04, including a snowmobile or all-terrain vehicle, that  
14 is not registered in this state.

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

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

18           323.14 (2) (b) ~~Counties, towns and municipalities~~ Local units of government  
19 may cooperate under s. 66.0301 to furnish services, combine offices, and finance  
20 emergency management ~~services~~ programs.

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

23           323.14 (2) (c) ~~Counties, towns and municipalities~~ Local units of government  
24 may contract for emergency management services with political subdivisions,  
25 ~~emergency management units and civil defense units~~ agencies, and federally

**BILL****SECTION 112**

1 recognized American Indian tribes and bands of this state, and, upon prior approval  
2 of the adjutant general, with such entities in bordering states. A copy of each such  
3 agreement shall be filed with the adjutant general within 10 days after execution  
4 thereof of that agreement.

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

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

8 **323.25 (title) Personnel restrictions.**

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

11 323.25 (1) No personnel, while performing emergency management  
12 organization established functions consistent with a plan adopted under this section  
13 s. 323.13 (1) (b) or 323.14 (1) (a) 1. or (b) 1., shall participate in any form of political  
14 activity or be employed directly or indirectly for any political activity.

15 (2) No personnel, while performing emergency management ~~organization~~  
16 established functions consistent with a plan adopted under this section s. 323.13 (1)  
17 (b) or 323.14 (1) (a) 1. or (b) 1., shall be employed to interfere with the orderly process  
18 of a labor dispute.

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

**BILL**

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

3           **323.43 Bearing of losses.** Any Subject to s. 323.42, any loss arising from the  
4 damage to or destruction of government-owned equipment utilized in any  
5 authorized emergency management activity shall be borne by the owner ~~thereof~~ of  
6 the equipment.

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

9           **323.45 ~~Exemption from liability~~ Providers of equipment and other**  
10 **items.** (1) ~~No~~ Except as provided in subs. (2) and (4), no person who provides  
11 equipment, materials, facilities, labor, or services is liable for the death of or injury  
12 to any person or damage to any property caused by his or her actions if the person  
13 did so under all of the following conditions:

14           (a) Under the direction of the governor, the adjutant general, the governing  
15 body, chief or acting chief executive officer, or head of emergency management  
16 services of any ~~county, town, municipality,~~ local unit of government or federally  
17 recognized American Indian tribe or band in this state, the department of health  
18 services if that department is designated by the governor under s. ~~166.03 (1) (b) 1.~~  
19 323.10, or the local health department acting under s. 251.05 (3) (e).

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

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

24           (3) This ~~subsection~~ section does not affect the right of any person to receive  
25 benefits to which he or she otherwise would be entitled under the worker's

**BILL****SECTION 117**

1 compensation law or under any pension law, nor does it affect entitlement to any  
2 other benefits or compensation authorized by state or federal law.

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

5 **323.16 Powers of peace law enforcement officers.** During any state of  
6 emergency ~~proclaimed~~ declared by the governor or during any training program or  
7 exercises authorized by the adjutant general, any ~~peace officer or traffic law~~  
8 enforcement officer of the state, or of a county, city, village or town, when legally  
9 engaged in traffic control, escort duty, or protective service, may carry out such ~~the~~  
10 functions at ~~any point within~~ anywhere in the state but shall be subject to the  
11 direction of the adjutant general through the sheriff of the county in which an  
12 assigned function is performed.

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

15 323.01 (3) ~~RED CROSS NOT AFFECTED. Nothing contained in this section shall~~  
16 This chapter may not limit or in any way affect the responsibility of the American  
17 National Red Cross as authorized by the congress of the United States.

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

20 323.13 (1) (dm) ~~Authority to withhold grants.~~ If the adjutant general finds that  
21 any political subdivision of the state a local unit of government has not complied with  
22 the requirement of this section that it establish and maintain an operating  
23 developed, adopted, and implemented an emergency management organization, he  
24 or she may plan as required under s. 323.14 (1), refuse to approve grants of funds or  
25 items of equipment awarded under this chapter to such political subdivision the local

**BILL**

1 ~~unit of government until it complies~~ the local unit of government does so. If such  
2 ~~political subdivision~~ the local unit of government fails to use the funds or items of  
3 equipment granted to it ~~through the adjutant general~~ in accordance with the  
4 agreement under which the grant was made, the adjutant general may refuse to  
5 make any additional grants to ~~such political subdivision~~ the local unit of government  
6 until it has complied with the conditions of the prior grant, and he or she may start  
7 recovery proceedings on the funds and items of equipment ~~which~~ that have not been  
8 used in accordance with the conditions of the grant.

9 **SECTION 121.** 166.03 (14) of the statutes is renumbered 323.28 and amended  
10 to read:

11 **323.28 Penalties.** Whoever intentionally fails to comply with the directives  
12 ~~of an order issued by an agent of the state or of a local unit of government who is~~  
13 engaged in emergency management ~~authorities promulgated activities~~ under this  
14 ~~section during a state of emergency or during any chapter, including~~ training  
15 ~~program or exercises may be fined, is subject to a forfeiture of not more than \$200~~  
16 ~~or imprisoned not more than 90 days or both.~~

17 **SECTION 122.** 166.04 of the statutes is renumbered 323.12 (2) (c) and amended  
18 to read:

19 323.12 (2) (c) ~~State traffic patrol and conservation warden duties during civil~~  
20 ~~disorder.~~ Without proclaiming a state of emergency, If the governor may, in writing  
21 ~~filed with the secretary of state, determine~~ determines that there exists a condition  
22 of civil disorder or a threat to the safety of persons on state property or damage or  
23 destruction to state property. ~~Upon such filing exists,~~ he or she may, without  
24 declaring an emergency, call out the state traffic patrol or the conservation warden  
25 force service or members ~~thereof~~ of that patrol or service for use in connection with

**BILL**

1 such the threat to such life or property. ~~For the duration of such threat, as~~  
2 ~~determined by the governor, such officers shall have the powers of a peace officer as~~  
3 ~~set forth in s. 59.28, except that such officers shall not be used in or take part in any~~  
4 ~~dispute or controversy between employer or employee concerning wages, hours,~~  
5 ~~labor or working conditions.~~

6 **SECTION 123.** 166.05 (title) of the statutes is renumbered 323.51 (title).

7 **SECTION 124.** 166.05 (1) of the statutes is renumbered 323.51 (1) and amended  
8 to read:

9 **323.51 (1) DESIGNATION AND USE OF A TEMPORARY LOCATION BY THE GOVERNOR.**

10 Whenever, ~~during a state of emergency as the result of a disaster or the imminent~~  
11 ~~threat of a disaster,~~ it becomes imprudent, inexpedient or impossible to conduct the  
12 affairs of state government at the state capital, the governor shall, as often as the  
13 exigencies of the situation require, ~~by proclamation designate an emergency a~~  
14 ~~temporary location for the seat of government at such a place within or without in~~  
15 ~~or outside this state as he or she deems advisable, and. The governor shall take such~~  
16 ~~any action and issue such any orders as are necessary for an orderly transition of the~~  
17 ~~affairs of state government to such emergency the temporary location. If practicable,~~  
18 ~~the emergency temporary location so designated by the governor designates shall~~  
19 conform to that provided for in the current emergency management plan authorized  
20 ~~by s. 166.03. Such emergency under subch. II. The temporary location shall remain~~  
21 as the seat of government until the governor establishes a new location under this  
22 section, or until the ~~emergency is ended under s. 166.03 and the seat of government~~  
23 is returned to its normal location.

24 **SECTION 125.** 166.05 (2) of the statutes is renumbered 323.51 (2) and amended  
25 to read:

**BILL**

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

8           **SECTION 126.** 166.06 (title) of the statutes is renumbered 323.52 (title) and  
9 amended to read:

10           **323.52** (title) ~~Emergency temporary~~ **Temporary locations of**  
11 **government for counties, towns and municipalities local units of**  
12 **government.**

13           **SECTION 127.** 166.06 (1) of the statutes is renumbered 323.52 (1) and amended  
14 to read:

15           323.52 (1) DESIGNATION OF ~~EMERGENCY~~ TEMPORARY LOCATIONS. Whenever during  
16 a state of emergency it becomes imprudent, inexpedient, or impossible to conduct the  
17 affairs of local government at the regular or usual place ~~or places thereof~~, the  
18 governing body of each county, town and municipality of this state local unit of  
19 government may meet at any place within or without the territorial limits of such  
20 ~~political subdivision~~ the local unit of government on the call of the presiding officer  
21 or his or her successor, and shall proceed to establish and designate by ordinance,  
22 resolution, or other manner, alternate or substitute sites ~~or places~~ as the emergency  
23 temporary locations of government where all, or any part, of the public business may  
24 be transacted and conducted during the emergency situation. Such alternate or  
25 substitute ~~site or places~~ may be within or without the territorial limits of such county,

**BILL****SECTION 127**

1 ~~town or municipality~~ the local unit of government and may be within or without those  
2 of the state. If practicable, they shall be the ~~sites or~~ places designated as the  
3 ~~emergency~~ temporary locations of government in the current emergency  
4 management plan.

5 **SECTION 128.** 166.06 (2) of the statutes is renumbered 323.52 (2) and amended  
6 to read:

7 **323.52 (2) EXERCISE OF GOVERNMENTAL AUTHORITY.** While the public business is  
8 being conducted at ~~an emergency~~ a temporary location, the governing body and other  
9 officers of a ~~county, town or municipality of this state~~ local unit of government shall  
10 have, possess and exercise, ~~at such location,~~ all of the executive, legislative,  
11 administrative, and judicial powers and functions conferred upon ~~such~~ the body and  
12 officers under state law. ~~Such~~ Those powers and functions, except judicial, may be  
13 exercised in the light of the exigencies of the emergency situation without regard to  
14 or compliance with time-consuming procedures and formalities prescribed by law  
15 and ~~pertaining thereto.~~ All acts of ~~such~~ the body and officers shall be as valid and  
16 binding as if performed within the territorial limits of their ~~county, town or~~  
17 ~~municipality~~ local unit of government.

18 **SECTION 129.** 166.06 (3) of the statutes is repealed.

19 **SECTION 130.** 166.07 (title) of the statutes is renumbered 323.54 (title) and  
20 amended to read:

21 **323.54 (title) Succession to office; local offices officers.**

22 **SECTION 131.** 166.07 of the statutes is renumbered 323.54 (1) and amended to  
23 read:

24 **323.54 (1)** The governing body of any ~~county, town or municipality~~ political  
25 subdivision may enact ~~such~~ ordinances and resolutions ~~as are necessary to provide~~

**BILL**

1 ~~for the continuity of government in the event of and throughout the duration of a~~  
2 ~~state of emergency resulting from enemy action. Such ordinances and resolutions~~  
3 ~~shall to provide a method by which temporary emergency interim appointments to~~  
4 ~~public office are made, except as limited by express constitutional provisions and~~  
5 ~~during periods of emergency to fill vacancies in offices that result from enemy action.~~  
6 ~~The ordinances or resolutions shall define the scope of the powers and duties which~~  
7 ~~that interim appointees may be exercised exercise, and shall provide for termination~~  
8 ~~of the appointment so made. This section shall control notwithstanding any~~  
9 ~~statutory provision to the contrary or in conflict herewith interim appointments.~~

10 **SECTION 132.** 166.08 (title) of the statutes is renumbered 323.53 (title) and  
11 amended to read:

12 **323.53 (title) Succession to office; state officers.**

13 **SECTION 133.** 166.08 (1) of the statutes is repealed.

14 **SECTION 134.** 166.08 (2) (intro.) of the statutes is renumbered 323.50 (intro.)  
15 and amended to read:

16 **323.50 Definitions.** (intro.) ~~As used in In this section unless the context~~  
17 ~~clearly requires otherwise subchapter:~~

18 **SECTION 135.** 166.08 (2) (a) of the statutes is repealed.

19 **SECTION 136.** 166.08 (2) (b) of the statutes is renumbered 323.50 (1) and  
20 amended to read:

21 323.50 (1) ~~“Emergency interim~~ “Interim successor” means a person designated  
22 under this section ~~subchapter~~, if the officer is unavailable as the result of enemy  
23 action, to exercise the powers and discharge the duties of an office until a successor  
24 is appointed or elected and qualified as provided by law or until the lawful incumbent  
25 is able to resume the exercise of the powers and discharge the duties of the office.

**BILL**

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

3           323.50 (2) “Office” includes all state and local offices, the powers and duties of  
4 which are defined by law, except the office of governor, and except those in the  
5 legislature and the judiciary. ~~An “officer” is~~

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

7           **SECTION 138.** 166.08 (2) (d) of the statutes is renumbered 323.50 (4) and  
8 amended to read:

9           323.50 (4) “Political subdivision” includes ~~counties, towns, municipalities~~ local  
10 units of government, special districts, authorities, and other public corporations and  
11 entities whether organized and existing under charter or general law.

12           **SECTION 139.** 166.08 (2) (e) of the statutes is renumbered 323.50 (5) and  
13 amended to read:

14           323.50 (5) “Unavailable” means that ~~during a state of emergency resulting~~  
15 ~~from enemy action, either~~ a vacancy in office exists and there is no deputy authorized  
16 to exercise all of the powers and discharge the duties of the office, or that the lawful  
17 incumbent of the office and his or her duly authorized deputy are absent or unable  
18 to exercise the powers and discharge the duties of the office.

19           **SECTION 140.** 166.08 (3) of the statutes is renumbered 323.53 (1) and amended  
20 to read:

21           323.53 (1) EMERGENCY INTERIM SUCCESSORS TO OFFICE OF GOVERNOR. If, during  
22 a state of emergency resulting from enemy action, the governor is unavailable, and  
23 if the lieutenant governor and the secretary of state are unavailable, the attorney  
24 general, state treasurer, speaker of the assembly, and the president of the senate  
25 shall in the order named if the preceding named officers are unavailable, exercise the

**BILL**

1 powers and discharge the duties of the office of governor until a new governor is  
2 elected and qualified, or until a preceding named officer becomes available; but no  
3 ~~emergency~~ interim successor to the ~~the aforementioned~~ those offices may serve as  
4 governor.

5 **SECTION 141.** 166.08 (4) of the statutes is renumbered 323.53 (2), and 323.53  
6 (2) (title), (a) and (b) (intro.) and 3., as renumbered, are amended to read:

7 323.53 (2) (title) ~~EMERGENCY INTERIM~~ INTERIM SUCCESSORS FOR OTHER STATE  
8 OFFICERS. (a) All state officers, subject to such regulations as that the governor, or  
9 other official authorized under the constitution or this section to exercise the powers  
10 and discharge the duties of the office of governor, may issue, shall, in addition to any  
11 deputy authorized to exercise all of the powers and discharge the duties of the office,  
12 designate by title ~~emergency~~ interim successors and specify their order of succession.  
13 The officer shall review and revise, as necessary, designations made ~~pursuant to~~  
14 under this section to ensure their current status. The officer shall designate a  
15 sufficient number of ~~emergency~~ interim successors so that there will be not less fewer  
16 than 3 nor more than 7 deputies or ~~emergency~~ interim successors or any combination  
17 of deputies or ~~emergency~~ interim successors, at any time.

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

**BILL****SECTION 141**

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

4           **SECTION 142.** 166.08 (5) of the statutes is repealed.

5           **SECTION 143.** 166.08 (6) (title) of the statutes is repealed.

6           **SECTION 144.** 166.08 (6) of the statutes is renumbered 323.54 (2) and amended  
7 to read:

8           323.54 (2) ~~This section applies to officers of all political subdivisions not~~  
9 ~~included in sub. (5). Such officers,~~ Each officer of a political subdivision for whom an  
10 interim successor is not determined by ordinance or resolution adopted under sub.  
11 (1) shall, subject to such regulations as the executive head of the political subdivision  
12 issues, shall designate by title, if feasible, or by named person, emergency interim  
13 successors and specify their order of succession. The officer shall review and revise,  
14 as necessary, designations made pursuant to this section to ensure their current  
15 status. The officer shall designate a sufficient number of persons so that there will  
16 be not less fewer than 3 nor more than 7 deputies or emergency interim successors  
17 or any combination thereof at any time. If any officer of any political subdivision or  
18 his or her deputy provided for pursuant to law is unavailable, the powers of the office  
19 shall be exercised and duties shall be discharged by his or her designated emergency  
20 interim successors in the order specified. The emergency interim successor shall  
21 exercise the powers and discharge the duties of the office to which designated until  
22 ~~such time as a~~ the vacancy which may exist that exists is filled in accordance with  
23 the constitution or statutes or until the officer or his or her deputy or a preceding  
24 emergency interim successor again becomes available to exercise the powers and  
25 discharge the duties of his or her office.

**BILL**

1           **SECTION 145.** 166.08 (7) of the statutes is renumbered 323.55 (1) and amended  
2 to read:

3           **323.55 (1) STATUS AND QUALIFICATIONS OF DESIGNEES.** No person shall may be  
4 designated or serve as an ~~emergency interim successor under this subchapter~~ unless  
5 he or she is eligible under the constitution and statutes to hold the office to which  
6 powers and duties he or she is designated to succeed, but no ~~constitutional or~~  
7 statutory provision prohibiting local or state officials from holding another office  
8 shall be applicable to an ~~emergency interim successor~~.

9           **SECTION 146.** 166.08 (8) of the statutes is renumbered 323.55 (2) and amended  
10 to read:

11           **323.55 (2) FORMALITIES OF TAKING OFFICE.** ~~Emergency interim~~ Interim  
12 successors shall take ~~such oath as may be~~ any oath required for them to exercise the  
13 powers and discharge the duties of the office to which they may succeed. No person,  
14 as a prerequisite to the exercise of the powers or discharge of the duties of an office  
15 to which he or she succeeds, shall be required to comply with any other provision of  
16 law relative to taking office.

17           **SECTION 147.** 166.08 (9) of the statutes is renumbered 323.55 (3) and amended  
18 to read:

19           **323.55 (3) PERIOD ~~IN~~ DURING WHICH AUTHORITY MAY BE EXERCISED.** ~~Officials~~  
20 ~~authorized to act as governor pursuant to this section and emergency interim~~  
21 ~~successors are empowered to exercise the powers and discharge the duties of an office~~  
22 ~~as herein authorized~~ An interim successor to an office may discharge the duties of  
23 the office only during the continuance of an emergency resulting from enemy action  
24 in the form of an attack. The legislature, by joint resolution, may at any time  
25 terminate the authority of said ~~emergency~~ an interim successors successor to

**BILL****SECTION 147**

1 exercise the powers and discharge the duties of office as ~~herein~~ provided in this  
2 subchapter.

3 **SECTION 148.** 166.08 (10) of the statutes is renumbered 323.55 (4) and amended  
4 to read:

5 323.55 (4) REMOVAL OF DESIGNEES. Until such time as the persons designated  
6 as ~~emergency~~ interim successors are authorized to exercise the powers and discharge  
7 the duties of an office in accordance with this section, ~~said subchapter~~, those persons  
8 shall serve in their designated capacities at the pleasure of the designating authority.

9 **SECTION 149.** 166.08 (11) of the statutes is renumbered 323.55 (5) and amended  
10 to read:

11 323.55 (5) DISPUTES. Any dispute concerning a question of fact arising under  
12 this section subchapter with respect to an office in the executive branch of the state  
13 government, except a dispute of fact relative to the office of governor, shall be  
14 adjudicated by the governor or other official authorized under the constitution or this  
15 section subchapter to exercise the powers and discharge the duties of the office of  
16 governor and his or her decision shall be final.

17 **SECTION 150.** 166.09 of the statutes is renumbered 323.44 and amended to  
18 read:

19 **323.44 Public shelters; ~~immunity from civil liability.~~** (1) Any person  
20 owning or controlling real estate ~~or other premises~~ property who voluntarily and  
21 without compensation ~~grants to the state or any of its political subdivisions a license~~  
22 ~~or privilege, or otherwise~~ permits the state or any of its political subdivisions to  
23 inspect, designate, and use the whole or any part ~~thereof~~ of the real property for the  
24 purpose of sheltering persons during an ~~actual, impending, mock or practice attack~~  
25 ~~shall, together with his or her successors in interest, if any, not be civilly liable a~~

**BILL**

1 disaster, an imminent threat of a disaster, or a related training exercise is immune  
2 from civil liability for negligently causing the death of or injury to any person on or  
3 ~~about such real estate or premises under such license, privilege or permission or for~~  
4 ~~loss or damage to the real property of such person while it is being used to shelter~~  
5 persons during a disaster, an imminent threat of a disaster, or a related training  
6 exercise, if the owner or controller has complied with sub. (2).

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

13 **SECTION 151.** 166.10 (intro.) of the statutes is repealed.

14 **SECTION 152.** 166.10 (1) to (5) of the statutes are renumbered 16.61 (3) (d) 1.  
15 to 5.

16 **SECTION 153.** 166.15 (title) of the statutes is renumbered 895.065 (title).

17 **SECTION 154.** 166.15 (1) (intro.), (a), (b), (c) and (d) of the statutes are  
18 renumbered 895.065 (1) (intro.), (a), (b), (c) and (d).

19 **SECTION 155.** 166.15 (1) (e) of the statutes is renumbered 895.065 (1) (e), and  
20 895.065 (1) (e) 6., as renumbered, is amended to read:

21 895.065 (1) (e) 6. Expenses incurred by an emergency provider in preparing for  
22 and responding to a nuclear incident ~~which~~ that are not reimbursed under s. ~~166.03~~  
23 (1) (b) 2. ~~or 3. or (2) (b) 7. or 292.11 (7)~~ or that are not paid by another state under a  
24 mutual aid agreement or by a gift or grant.

**BILL**

1           **SECTION 156.** 166.15 (1) (f) to (k), (2), (3), (4) and (5) of the statutes are  
2 renumbered 895.065 (1) (f) to (k), (2), (3), (4) and (5).

3           **SECTION 157.** 166.20 (title) of the statutes is renumbered 323.60 (title).

4           **SECTION 158.** 166.20 (1) (intro.) of the statutes is renumbered 323.60 (1) (intro.)  
5 and amended to read:

6           **323.60 (1) DEFINITIONS.** (intro.) In ~~ss. 166.20 to 166.215~~ this subchapter:

7           **SECTION 159.** 166.20 (1) (b) and (c) of the statutes are renumbered 323.60 (1)  
8 (b) and (c).

9           **SECTION 160.** 166.20 (1) (d) of the statutes is renumbered 323.60 (1) (d) and  
10 amended to read:

11           **323.60 (1) (d)** “Facility plan” means a plan for response to the release of  
12 hazardous substances from a specific facility, prepared as a component of a local  
13 emergency response plan under sub. (5) (a) ~~1.~~ and under 42 USC 11003.

14           **SECTION 161.** 166.20 (1) (e) and (f) of the statutes are renumbered 323.60 (1)  
15 (e) and (f).

16           **SECTION 162.** 166.20 (1) (fm) of the statutes is repealed.

17           **SECTION 163.** 166.20 (1) (g) of the statutes is renumbered 323.60 (1) (g).

18           **SECTION 164.** 166.20 (1) (ge) of the statutes is renumbered 323.02 (11), and  
19 323.02 (11) (d), as renumbered, is and amended to read:

20           **323.02 (11) (d)** Response operations must be conducted in confined, poorly  
21 ventilated areas and the absence of conditions under ~~subds. 1. to 3. pars. (a) to (c)~~ has  
22 not been established.

23           **SECTION 165.** 166.20 (1) (gi) of the statutes is renumbered 323.02 (12).

24           **SECTION 166.** 166.20 (1) (gk) of the statutes is renumbered 323.02 (13) and  
25 amended to read:

**BILL**

1           323.02 (13) “Local emergency response team” means a team that the local  
2 emergency planning committee identifies under s. ~~166.21~~ 323.61 (2m) (e).

3           **SECTION 167.** 166.20 (1) (gm) of the statutes is repealed.

4           **SECTION 168.** 166.20 (1) (h) and (i) of the statutes are renumbered 323.60 (1)  
5 (h) and (i).

6           **SECTION 169.** 166.20 (1) (im) of the statutes is repealed.

7           **SECTION 170.** 166.20 (1) (j) of the statutes is renumbered 323.60 (1) (j), and  
8 323.60 (1) (j) (intro.), 1. and 2., as renumbered, are amended to read:

9           323.60 (1) (j) (intro.) “Threshold quantity” means a designated quantity of any  
10 of the following:

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

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

15           **SECTION 171.** 166.20 (1) (k) of the statutes is renumbered 323.60 (1) (k).

16           **SECTION 172.** 166.20 (2) (intro.) of the statutes is renumbered 323.60 (2) (intro.)  
17 and amended to read:

18           323.60 (2) DUTIES OF THE DIVISION. (intro.) The division shall do all of the  
19 following:

20           **SECTION 173.** 166.20 (2) (a) of the statutes is renumbered 323.60 (2) (a) and  
21 amended to read:

22           323.60 (2) (a) ~~Carry out all requirements of a~~ Serve as the state emergency  
23 response commission under the federal act.

24           **SECTION 174.** 166.20 (2) (b) of the statutes is renumbered 323.60 (2) (b).

**BILL**

1           **SECTION 175.** 166.20 (2) (bg) of the statutes is renumbered 323.60 (2) (bg) and  
2 amended to read:

3           323.60 (2) (bg) Promulgate rules establishing an amount not to exceed \$6,000  
4 that may be an eligible cost for computers in an emergency planning grant under s.  
5 ~~166.21~~ 323.61 (2) (br).

6           **SECTION 176.** 166.20 (2) (bm) of the statutes is renumbered 323.70 (7) (a) and  
7 amended to read:

8           323.70 (7) (a) ~~Promulgate~~ The division shall promulgate rules establishing  
9 standards to determine all of the following:

10           1. If a regional or local emergency response team has made a good faith effort  
11 to identify a person responsible for the emergency involving a release or potential  
12 release of a hazardous substance under s. ~~166.215 (3) or 166.22 sub. (4) or s. 323.71~~  
13 (4).

14           2. If a person responsible for the emergency involving a release or potential  
15 release of a hazardous substance under s. ~~166.215 (3) or 166.22 sub. (4) or s. 323.71~~  
16 (4) is financially able or has the money or resources necessary to reimburse a regional  
17 or local emergency response team for the expenses incurred by the regional or local  
18 emergency response team in responding to the emergency.

19           **SECTION 177.** 166.20 (2) (bs) 1. of the statutes is renumbered 323.70 (7) (b) and  
20 amended to read:

21           323.70 (7) (b) ~~Promulgate~~ The division shall promulgate rules that establish  
22 the procedures that a regional emergency response team shall follow to determine  
23 if an emergency that requires the team's response exists as the result of a level A  
24 release or a potential level A release.

**BILL**

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

3           323.70 (7) (c) ~~Promulgate~~ The division shall promulgate rules that establish  
4 the procedures that a local emergency response team shall follow to determine if an  
5 emergency that requires the team's response exists as the result of a release or  
6 potential release of a hazardous substance, as defined in s. 299.01 (6).

7           **SECTION 179.** 166.20 (2) (c) of the statutes is renumbered 323.60 (2) (c).

8           **SECTION 180.** 166.20 (2) (d) of the statutes is renumbered 323.60 (2) (d) and  
9 amended to read:

10           323.60 (2) (d) Administer the grant program under s. ~~166.21~~ 323.61.

11           **SECTION 181.** 166.20 (2) (e) of the statutes is renumbered 323.60 (2) (e).

12           **SECTION 182.** 166.20 (2) (f) of the statutes is renumbered 323.60 (2) (f).

13           **SECTION 183.** 166.20 (3) (intro.) of the statutes is renumbered 323.60 (3) (intro.)  
14 and amended to read:

15           323.60 (3) DUTIES OF COMMITTEES. (intro.) A committee shall do all of the  
16 following:

17           **SECTION 184.** 166.20 (3) (a) of the statutes is renumbered 323.60 (3) (a).

18           **SECTION 185.** 166.20 (3) (b) of the statutes is renumbered 323.60 (3) (b) and  
19 amended to read:

20           323.60 (3) (b) Upon receipt by the committee or the committee's designated  
21 community emergency coordinator of a notification under sub. (5) ~~(a)-2.~~ (b) of the  
22 release of a hazardous substance, take all actions necessary to ensure the  
23 implementation of the local emergency response plan.

24           **SECTION 186.** 166.20 (3) (c) of the statutes is renumbered 323.60 (3) (c) and  
25 amended to read:

**BILL****SECTION 186**

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

6           **SECTION 187.** 166.20 (4) of the statutes is renumbered 323.60 (4), and 323.60  
7 (4) (a) and (c), as renumbered, are amended to read:

8           323.60 (4) (a) Upon receipt of a notification under sub. (5) ~~(a) 2.~~ (b) or s. 292.11  
9 (2) of the release of a hazardous substance, provide all information contained in the  
10 notification to the division.

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

14           **SECTION 188.** 166.20 (4m) of the statutes is renumbered 323.60 (4m) and  
15 amended to read:

16           323.60 (4m) COOPERATION. A state agency, federally recognized American  
17 Indian tribe or band, or local governmental unit may assist the division or a  
18 committee in the performance of its duties under this section and may enter into an  
19 agreement with the division or a committee.

20           **SECTION 189.** 166.20 (5) (title) of the statutes is renumbered 323.60 (5) (title).

21           **SECTION 190.** 166.20 (5) (a) 1., 2. and 3. of the statutes are renumbered 323.60  
22 (5) (a), (b) and (c).

23           **SECTION 191.** 166.20 (5) (a) 4., 5. and 6. of the statutes are renumbered 323.60  
24 (5) (d), (e) and (f), and 323.60 (5) (d) 3., (e) and (f), as renumbered, are amended to  
25 read:

**BILL**

1           323.60 (5) (d) 3. All facilities with 10 or more employees in major group  
2           classifications 10 to 13 in the standard industrial classification manual, 1987  
3           edition, published by the U.S. office of management and budget, at which a toxic  
4           chemical is used at or above an applicable threshold quantity, except that compliance  
5           with the toxic chemical release form requirements under this ~~subd. 4. e. subdivision~~  
6           is not required for the placement of a toxic chemical in a storage or disposal site or  
7           facility that is located at a facility with a permit under ch. 293 if the toxic chemical  
8           consists of or is contained in merchantable by-products as defined in s. 293.01 (7),  
9           minerals as defined in s. 293.01 (8) or refuse as defined in s. 293.01 (25).

10           (e) The reporting procedures for trade secrets under 42 USC 11042 shall apply  
11           to all facilities in this state subject to the requirements under ~~subd. 1., 3. or 4. par.~~  
12           (a), (c), or (d). For the purposes of applying this ~~subdivision~~ paragraph to public  
13           agencies and private agencies, the division shall have the powers and duties granted  
14           to the administrator of the U.S. environmental protection agency under 42 USC  
15           11042.

16           (f) All facilities in this state subject to the requirements under ~~subd. 3. or 4. par.~~  
17           (c) or (d) shall comply with the procedures for providing information under 42 USC  
18           11043.

19           **SECTION 192.** 166.20 (5) (b) of the statutes is repealed.

20           **SECTION 193.** 166.20 (5m) and (6) of the statutes are renumbered 323.60 (5m)  
21           and (6).

22           **SECTION 194.** 166.20 (7) (title) of the statutes is renumbered 323.60 (7) (title).

23           **SECTION 195.** 166.20 (7) (a) (intro.) of the statutes is renumbered 323.60 (7) (a)  
24           (intro.) and amended to read:

**BILL**

1           323.60 (7) (a) (intro.) The division shall establish, by rule, the following fees at  
2 levels designed to fund the division's administrative expenses and the grants under  
3 s. ~~166.21~~ 323.61:

4           **SECTION 196.** 166.20 (7) (a) 1. of the statutes is renumbered 323.60 (7) (a) 1. and  
5 amended to read:

6           323.60 (7) (a) 1. An emergency planning notification fee to be paid when a  
7 facility makes the emergency planning notification required under sub. (5) (a) ~~1~~.

8           **SECTION 197.** 166.20 (7) (a) 2. of the statutes is renumbered 323.60 (7) (a) 2. and  
9 amended to read:

10           323.60 (7) (a) 2. An inventory form fee to be paid annually when a facility  
11 submits the emergency and hazardous chemical inventory forms required under sub.  
12 (5) (a) ~~3~~. (c).

13           **SECTION 198.** 166.20 (7) (b), (d), (dm) and (e) of the statutes are renumbered  
14 323.60 (7) (b), (d), (dm) and (e), and 323.60 (7) (b) and (dm), as renumbered, are  
15 amended to read:

16           323.60 (7) (b) The operator of a facility subject to the requirements of sub. (5)  
17 (a) ~~1. or 3.~~ (a) or (c) shall pay the fees under par. (a). The division may establish, by  
18 rule, a surcharge to be paid by the operator of a facility if the operator fails to pay the  
19 fees under par. (a) in a timely manner. The surcharge under this paragraph shall not  
20 exceed 20% of the original fee.

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

**BILL**

1           **SECTION 199.** 166.20 (7m) and (8) of the statutes are renumbered 323.60 (7m)  
2 and (8), and 323.60 (8) (a), as renumbered, is amended to read:

3           323.60 (8) (a) The department of justice, at its own discretion or at the request  
4 of the division or the committee or district attorney for the county in which the  
5 violation is alleged to have occurred, shall enforce subs. (2) to (7) and rules  
6 promulgated under subs. (2) to (7). In any action commenced under this paragraph,  
7 the department of justice may request the assistance of the district attorney for the  
8 county in which the violation is alleged to have occurred and the district attorney  
9 shall provide the requested assistance, except that, for a violation that is alleged to  
10 have occurred within the boundaries of a federally recognized Indian reservation or  
11 on land that is held in trust by the federal government for the benefit of an American  
12 Indian tribe or band, only the department of justice may enforce subs. (2) to (7) and  
13 rules promulgated under subs. (2) to (7).

14           **SECTION 200.** 166.20 (9) (title) of the statutes is renumbered 323.60 (9) (title).

15           **SECTION 201.** 166.20 (9) (a) of the statutes is renumbered 323.60 (9) (a), and  
16 323.60 (9) (a) 1. a., b. and c., 2. (intro.), a., b. and c. and 3., as renumbered, are  
17 amended to read:

18           323.60 (9) (a) 1. a. Any person for failure to submit a follow-up emergency  
19 notice under 42 USC 11004 (c), as applied under sub. (5) ~~(a) 2.~~ (b).

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

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

**BILL****SECTION 201**

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

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

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

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

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

14           **SECTION 202.** 166.20 (9) (b) of the statutes is renumbered 323.60 (9) (b).

15           **SECTION 203.** 166.20 (9) (c) 1. of the statutes is renumbered 323.60 (9) (c).

16           **SECTION 204.** 166.20 (9) (e) of the statutes is repealed.

17           **SECTION 205.** 166.20 (10) of the statutes is renumbered 323.60 (10).

18           **SECTION 206.** 166.20 (11) of the statutes is renumbered 323.60 (11), and 323.60  
19 (11) (a), (b) (intro.), (c) and (d), as renumbered, are amended to read:

20           323.60 (11) (a) Any person who violates sub. (5) (a) ~~1., 2. or 4.,~~ (b), or (d), or the  
21 emergency and hazardous chemical inventory form requirements of 42 USC 11022,  
22 as applied under sub. (5) ~~(a) 3.~~ (c), or any rule promulgated under sub. (5) (a) ~~1., 2.~~  
23 ~~or 4.,~~ (b), or (d), or concerning emergency and hazardous chemical inventory form  
24 requirements shall forfeit not less than \$100 nor more than \$25,000. Total  
25 forfeitures for the failure of a facility to report multiple releases of hazardous

**BILL**

1 substances covered under 42 USC 11004, as applied under sub. (5) (a), shall not  
2 exceed \$75,000 per day of offense.

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

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

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

15 **SECTION 207.** 166.21 (title) of the statutes is renumbered 323.61 (title).

16 **SECTION 208.** 166.21 (1) (title) of the statutes is renumbered 323.61 (1) (title).

17 **SECTION 209.** 166.21 (1) (a) of the statutes is renumbered 323.61 (1) (a) and  
18 amended to read:

19 323.61 (1) (a) There is created an emergency planning grant program for the  
20 purpose of assisting committees to comply with the requirements of s. ~~166.20~~ 323.60  
21 and the federal act.

22 **SECTION 210.** 166.21 (1) (b) and (2) of the statutes are renumbered 323.61 (1)  
23 (b) and (2), and 323.61 (2) (d), as renumbered, is amended to read:

24 323.61 (2) (d) Any other activity of the committee required under s. ~~166.20~~  
25 323.60 or the federal act.