

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 958**

February 22, 2006 – Offered by COMMITTEE ON HOUSING.

1 **AN ACT** *to amend* 166.03 (10) of the statutes; **relating to:** civil immunity for
2 persons who provide assistance during an emergency.

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

3 **SECTION 1.** 166.03 (10) of the statutes is amended to read:

4 166.03 **(10)** EXEMPTION FROM LIABILITY. No person who provides equipment,
5 materials, facilities, labor, or services under the direction of the governor, the
6 adjutant general, the governing body, the chief or acting chief executive officer, or the
7 head of emergency management services in any county, town, municipality, or
8 federally recognized American Indian tribe or band in this state, the department of
9 health and family services if that department is designated by the governor under
10 s. 166.03 (1) (b) 1., or a local health department acting under s. 251.05 (3) (e) during
11 a state of emergency declared by the governor or in response to enemy action, a
12 natural or man-made disaster, or a federally declared state or emergency is liable

1 for the death of or injury to any person or damage to any property caused by his or
2 her actions, except where the trier of fact finds that the ~~person acted intentionally~~
3 ~~or with gross negligence~~ person's act or omission involved reckless, wanton, or
4 intentional misconduct. This subsection does not affect the right of any person to
5 receive benefits to which he or she ~~would~~ otherwise would be entitled under the
6 worker's compensation law or under any pension law, nor does it affect entitlement
7 to any other benefits or compensation authorized by state or federal law.

8 **SECTION 2. Initial applicability.**

9 (1) This act first applies to acts or omissions that occur on the effective date of
10 this subsection.

11 (END)