

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

April 21, 2006 – Offered by COMMITTEE ON HOUSING AND FINANCIAL INSTITUTIONS.

1 **AN ACT to repeal and recreate** 166.03 (10) of the statutes; **relating to:** civil  
2 immunity for 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3 **SECTION 1.** 166.03 (10) of the statutes is repealed and recreated to read:

4 **166.03 (10) EXEMPTION FROM LIABILITY.** (a) No person who provides equipment,  
5 materials, facilities, labor, or services is liable for the death of or injury to any person  
6 or damage to any property caused by his or her actions if the person did so under all  
7 of the following conditions:

8 1. Under the direction of the governor, the adjutant general, the governing  
9 body, chief or acting chief executive officer, or head of emergency management  
10 services of any county, town, municipality, or federally recognized American Indian  
11 tribe or band in this state, the department of health and family services if that

1 department is designated by the governor under s. 166.03 (1) (b) 1., or the local health  
2 department acting under s. 251.05 (3) (e).

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

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

11 **SECTION 2. Initial applicability.**

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

14 (END)