

# State of Wisconsin



2009 Assembly Bill 316

Date of enactment: **October 6, 2009**  
Date of publication\*: **October 20, 2009**

## 2009 WISCONSIN ACT 42

AN ACT *to repeal* chapter 166 (title), 166.02 (2), 166.02 (5), 166.02 (6u), 166.03 (title), 166.03 (1) (title) and (a) (intro.), 166.03 (2) (title), 166.03 (2) (a) 4., 166.03 (3), 166.03 (5) (title), 166.03 (7) (title), 166.03 (7) (c), 166.03 (8) (d) to (g), 166.06 (3), 166.08 (1), 166.08 (2) (a), 166.08 (5), 166.08 (6) (title), 166.10 (intro.), 166.20 (1) (fm), 166.20 (1) (gm), 166.20 (1) (im), 166.20 (5) (b), 166.20 (9) (e), 166.23 (title), 250.042 (4) (a) (intro.) and 250.042 (4) (c); *to renumber* 118.38 (2), 166.01 (title), 166.02 (intro.), 166.02 (1g), 166.02 (1m), 166.02 (1p), 166.02 (1r), 166.02 (3), 166.02 (6m), 166.02 (6r), 166.02 (7), 166.03 (1) (a) 1., 166.03 (1) (b) 2., 166.03 (2) (a) 5., 166.03 (2) (b) 3., 166.03 (2) (b) 4., 166.03 (2) (b) 7., 166.05 (title), 166.10 (1) to (5), 166.15 (title), 166.15 (1) (intro.), (a), (b), (c) and (d), 166.15 (1) (f) to (k), (2), (3), (4) and (5), 166.20 (title), 166.20 (1) (b) and (c), 166.20 (1) (e) and (f), 166.20 (1) (g), 166.20 (1) (gi), 166.20 (1) (h) and (i), 166.20 (1) (k), 166.20 (2) (b), 166.20 (2) (c), 166.20 (2) (e), 166.20 (2) (f), 166.20 (3) (a), 166.20 (5) (title), 166.20 (5) (a) 1., 2. and 3., 166.20 (5m) and (6), 166.20 (7) (title), 166.20 (9) (title), 166.20 (9) (b), 166.20 (9) (c) 1., 166.20 (10), 166.21 (title), 166.21 (1) (title), 166.21 (2m) (intro.) and (a) to (e), 166.215 (title), 166.215 (3) (a), 166.215 (3) (b), 166.22 (title), 166.22 (2), 166.22 (4) (a), 166.22 (5), 166.22 (6), 166.30, 250.042 (4) (a) 2. and 250.042 (4) (a) 3m.; *to renumber and amend* 16.61 (3) (d), 94.77, 166.01, 166.02 (1t), 166.02 (4), 166.02 (8), 166.03 (1) (a) 2., 166.03 (1) (a) 3., 166.03 (1) (a) 4., 166.03 (1) (b) 3., 166.03 (1) (b) 4., 166.03 (1) (b) 5., 166.03 (1) (b) 6., 166.03 (1) (b) 8., 166.03 (2) (a) (intro.), 166.03 (2) (a) 1., 166.03 (2) (a) 2., 166.03 (2) (a) 3., 166.03 (2) (a) 6., 166.03 (2) (a) (intro.), 166.03 (2) (b) 1., 166.03 (2) (b) 2., 166.03 (2) (b) 5., 166.03 (2) (b) 6., 166.03 (2) (b) 8., 166.03 (2) (b) 9., 166.03 (4) (title), 166.03 (4) (a), 166.03 (4) (b), 166.03 (4) (c), 166.03 (4) (d), 166.03 (5) (a), 166.03 (5) (b), 166.03 (5) (c), 166.03 (5) (d), 166.03 (5a), 166.03 (6), 166.03 (7) (a), 166.03 (7) (b), 166.03 (8) (title), 166.03 (8) (a) to (c), 166.03 (9), 166.03 (10), 166.03 (11), 166.03 (12), 166.03 (13), 166.03 (14), 166.04, 166.05 (1), 166.05 (2), 166.06 (title), 166.06 (1), 166.06 (2), 166.07 (title), 166.07, 166.08 (title), 166.08 (2) (intro.), 166.08 (2) (b), 166.08 (2) (c), 166.08 (2) (d), 166.08 (2) (e), 166.08 (3), 166.08 (4), 166.08 (6), 166.08 (7), 166.08 (8), 166.08 (9), 166.08 (10), 166.08 (11), 166.09, 166.15 (1) (e), 166.20 (1) (intro.), 166.20 (1) (d), 166.20 (1) (ge), 166.20 (1) (gk), 166.20 (1) (j), 166.20 (2) (intro.), 166.20 (2) (a), 166.20 (2) (bg), 166.20 (2) (bm), 166.20 (2) (bs) 1., 166.20 (2) (bs) 2., 166.20 (2) (d), 166.20 (3) (intro.), 166.20 (3) (b), 166.20 (3) (c), 166.20 (4), 166.20 (4m), 166.20 (5) (a) 4., 5. and 6., 166.20 (7) (a) (intro.), 166.20 (7) (a) 1., 166.20 (7) (a) 2., 166.20 (7) (b), (d), (dm) and (e), 166.20 (7m) and (8), 166.20 (9) (a), 166.20 (11), 166.21 (1) (a), 166.21 (1) (b) and (2), 166.21 (2m) (f), 166.21 (3), (4) and (5), 166.215 (1), 166.215 (2), 166.215 (3) (intro.), 166.215 (4), 166.215 (5), 166.22 (1) (intro.), 166.22 (1) (b), (c) and (d), 166.22 (3), 166.22 (3m), 166.22 (4) (b), 166.23 (1), 166.23 (2), 166.23 (2m), 166.23 (3), 166.25, 250.042 (4) (a) 1., 250.042 (4) (a) 3., 250.042 (4) (a) 4., 250.042 (4) (a) 5. and 250.042 (4) (b); *to consolidate, renumber and amend* 166.03 (1) (b) (intro.) and 1.; *to amend* 17.025 (4) (c), 20.370 (3) (ma), 20.370 (3) (mu), 20.465 (1) (h), 20.465 (3) (b), 20.465 (3) (dd), 20.465 (3) (dp), 20.465 (3) (dr), 20.465 (3) (e), 20.465 (3) (f), 20.465 (3) (g), 20.465 (3) (h), 20.465 (3) (i), 20.465 (3) (jm), 20.465 (3) (jt), 20.465 (3) (r), 20.465 (3) (s), 23.114 (1) (c), 50.36 (3d)

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(a) 1., 50.36 (3d) (a) 2., 59.54 (8) (a) 1., 59.54 (8) (a) 3., 59.54 (8) (b) 2., 60.23 (20), 60.24 (1) (e) 3., 66.0312 (3), 66.03125 (3), 66.0314 (1) (a), 66.0314 (2) (a), 66.0314 (2) (b) 1., 101.985 (2) (c), 102.07 (7m), 102.29 (10), 102.475 (1), 110.07 (1) (a) 1., 115.01 (10) (a) 2., 115.812 (3) (b) 1., 157.055 (2) (intro.), 165.25 (6) (b), 250.01 (intro.), 250.01 (6g), 250.01 (6r), 250.03 (3) (a) (intro.), 250.042 (1), 252.06 (10) (c), 254.34 (1) (am), 256.08 (4) (i), 256.15 (2), 292.11 (12) (b), 321.39 (1) (a) 3., 321.65 (1) (a) 2., 323.50 (1), 323.53 (1), 323.53 (2) (b) (intro.), 323.54 (1), 323.55 (3), 341.04 (intro.), 440.88 (5), 441.06 (4), 441.10 (3) (c), 441.15 (2) (intro.), 441.15 (5) (a) 5., 445.04 (2), 447.03 (1) (intro.), 448.03 (2) (p), 448.03 (3) (a) (intro.), 448.03 (3) (b), 448.03 (3) (e), 448.61, 448.66, 450.03 (1) (h), 450.145 (1) (c), 453.05 (1), 455.02 (1m), 455.02 (3m), 457.04 (intro.), 893.82 (2) (d) 1n., 895.46 (5) (am), 895.483 (1), 895.483 (2), 895.483 (3), 895.51 (2m), 895.55 (2) (intro.) and 979.012 (1); **to repeal and recreate** 95.50; **to create** 14.38 (10m), 50.36 (6), 94.77 (2), 94.77 (3), 115.01 (10) (a) 3., 118.38 (2) (bm), chapter 257 (title), 257.01 (intro.), 257.01 (1) (b) and (c), 257.01 (1g), 257.01 (2), 257.01 (3), 257.01 (5) (b) and (c), 257.01 (7), 257.01 (8), 257.01 (9) (b) and (c), 257.01 (10), 257.01 (11) (b) and (c), 257.02, 257.03 (title), 257.03 (1) (b), (c) and (d), 257.03 (2), 257.03 (3), 257.04, chapter 323 (title), subchapter I (title) of chapter 323 [precedes 323.01], 323.02 (6), 323.02 (10), 323.02 (15), 323.02 (17), 323.02 (19), subchapter II (title) of chapter 323 [precedes 323.10], 323.12 (title), 323.12 (1) (intro.), 323.12 (2) (intro.), 323.12 (4) (intro.), 323.13 (title), 323.13 (1) (title), 323.13 (1) (a), 323.13 (2) (h), 323.14 (1) (title), 323.14 (1) (a) 1., 323.14 (2) (title), 323.14 (2) (a), 323.14 (3) (title), 323.14 (4) (title), 323.15 (title), 323.15 (1) (title), 323.17, 323.18, 323.19, subchapter III (title) of chapter 323 [precedes 323.30], subchapter IV (title) of chapter 323 [precedes 323.40], 323.40, 323.41 (title), (1), (2), (3) and (4), 323.42, 323.45 (4), subchapter V (title) of chapter 323 [precedes 323.50], 323.55 (title), subchapter VI (title) of chapter 323 [precedes 323.60], subchapter VII (title) of chapter 323 [precedes 323.70], subchapter VIII (title) of chapter 323 [precedes 323.80] and 801.50 (3m) of the statutes; and **to affect** Laws of 1965, chapter 583, section 9; **relating to:** emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, granting rule-making authority, and providing penalties.

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

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

14.38 (10m) NOTIFICATION OF CONSTITUTIONAL AMENDMENT. If an amendment to the Wisconsin Constitution is approved that requires the legislature to provide for temporary succession to the powers and duties of public offices for the period of an emergency resulting from a cause other than an enemy action, within 30 days after the government accountability board records the approval under s. 7.70 (3) (h), notify the legislature that the amendment has been approved.

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

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

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

17.025 (4) (c) *Secretary of state; state treasurer.* When the temporary vacancy exists in the office of secretary of state or in the office of state treasurer, the duties of the office shall be assumed, respectively, by the first

emergency interim successor designated under s. 166.08 (4) 323.53 (2) or, if no such designation has been made for the respective office, then by a deputy appointed by the governor.

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 10.** 20.465 (3) (dr) of the statutes is amended to read:

20.465 (3) (dr) *Emergency response supplement.* As a continuing appropriation, the amounts in the schedule to be used for response costs of a regional emergency response team that are not reimbursed under s. ~~166.215 (2) or (3)~~ 323.70 (3) or (4) and for response costs of a local agency that are not reimbursed under s. ~~166.22~~ 323.71 (4).

**SECTION 11.** 20.465 (3) (e) of the statutes is amended to read:

20.465 (3) (e) *Disaster recovery aid; public health emergency quarantine costs.* A sum sufficient to pay the state share of grants to individuals, to make payments to local governments as defined in [42 USC 5122 \(6\)](#) under federal disaster recovery programs as authorized in s. ~~166.03 (2) (b) 8.~~ 323.30, and to reimburse local health departments under s. 252.06 (10) (c) 2.

**SECTION 12.** 20.465 (3) (f) of the statutes is amended to read:

20.465 (3) (f) *Civil air patrol aids.* The amounts in the schedule to provide assistance to the civil air patrol under s. ~~166.03 (2) (a) 5.~~ 323.13 (1) (e).

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

20.465 (3) (g) *Program services.* The amounts in the schedule for conferences, training and other services pro-

vided by the division of emergency management and for expenses incurred under s. ~~166.03 (2) (b) 6. and 7.~~ 323.13 (2) (f) and (g). All moneys received for conferences, training and other services provided by the division of emergency management shall be credited to this appropriation. All moneys received from assessments and contributions under s. ~~166.03 (2) (b) 6. and 7.~~ 323.13 (2) (f) and (g) shall be credited to this appropriation.

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

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

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

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

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

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

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

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

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

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

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

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

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

23.114 (1) (c) Paragraph (b) does not apply to a state of emergency declared by the governor under s. ~~466.03 323.10~~ and does not supersede the authority of the department of agriculture, trade and consumer protection under ch. 94.

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

50.36 (3d) (a) 1. The health care provider seeks to provide care at the hospital during a period of a state of emergency related to public health declared by the governor under s. ~~466.03 (1) (b) 1.~~ 323.10.

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

50.36 (3d) (a) 2. The health care provider does not have staff privileges at the hospital at the time that the state of emergency related to public health is declared by the governor under s. ~~466.03 (1) (b) 1.~~ 323.10.

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

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

1. The secretary or his her designee determines that disaster, as defined in s. 323.02 (6), has occurred.
2. A hospital has requested the variance.
3. The secretary or his her designee determines that the variance is necessary to protect the public health, safety, or welfare.

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

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

59.54 (8) (a) 1. Create a local emergency planning committee, with members as specified in 42 USC 11001 (c), which shall have the powers and the duties established for such committees under 42 USC 11000 to 11050 and under ss. ~~466.20 323.60~~ and ~~466.21 323.61.~~

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

59.54 (8) (a) 3. Within the availability of state funds, take all actions that are necessary to ensure that the committee created under this paragraph properly executes the duties of a local emergency planning committee under 42 USC 11000 to 11050 and under ss. ~~466.20 323.60~~ and ~~466.21 323.61.~~

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

59.54 (8) (b) 2. Implement programs and undertake activities which are designed to prepare the county to

cope with emergencies involving the accidental release of hazardous substances and which are consistent with, but in addition to, the minimum requirements of s. ~~466.20 323.60~~ and 42 USC 11000 to 11050.

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

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

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

60.24 (1) (e) 3. Obtain necessary assistance, if available, in case of emergency, except as provided under ch. ~~466 323.~~

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

66.0312 (3) This section does not apply during a state of emergency declared by the governor under s. ~~466.03 (1) (b) 1.~~ 323.10.

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

66.03125 (3) This section does not apply during a state of emergency declared by the governor under s. ~~466.03 (1) (b) 1.~~ 323.10.

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

66.0314 (1) (a) "Emergency management program" means the emergency management program of a city, village, town, or county, under s. ~~466.03 (4) (a) 323.14 (1).~~

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

66.0314 (2) (a) If the governor declares a state of emergency under s. ~~466.03 (1) (b) 1.~~ 323.10, upon the request of a city, village, town, or county, or a person acting under an incident command system, the personnel of any emergency management program, emergency medical services program, fire department, or local health department may assist the requester within the requester's jurisdiction, notwithstanding any other jurisdictional provision.

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

66.0314 (2) (b) 1. The responding agency meets the personnel and equipment requirements in the state plan under s. ~~466.03 (2) (a) 1.~~ 323.13 (1) (b).

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

94.77 (1) Any person who violates any provision of this chapter for which a specific penalty is not prescribed ~~shall, or an order issued or rule promulgated under such a provision, may~~ be fined not to exceed \$200 more than

\$1,000 for the first offense and may be fined not less than \$500 nor more than \$5,000 or imprisoned in the county jail not to exceed for not more than 6 months or both for each subsequent offense.

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

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

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

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

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

**95.50 Transportation and disposal of animal carcasses. (1) DEFINITIONS.** In this section:

(a) "Carcass" means the dead body, or any part of the dead body, of a livestock animal or other domestic animal.

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

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

1. Infected with a contagious or infectious disease.
2. Potentially infected with a contagious or infectious disease, based on known exposure to a contagious or infectious disease.
3. Reasonably suspected of being infected with a contagious or infectious disease, based on symptoms or testing.

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

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

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

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

(3) **TIMELY DISPOSITION OF CARCASSES.** No person who owns or controls a carcass, or who owns or controls

the land on which a carcass is located, may leave the carcass exposed to access by dogs or wild animals for more than 24 hours during the months of April to November or for more than 48 hours during the months of December to March if the person knows or reasonably should know that the carcass is exposed.

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

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

101.985 (2) (c) *Emergency licensing.* If the governor declares that a state of emergency exists in this state under s. ~~166.03 (1) (b) 1.~~ 323.10 and the department determines that the number of individuals in the state who hold elevator mechanic's licenses issued by the department under this section on the date of the declaration is insufficient to cope with the emergency, the department shall summarily issue an emergency elevator mechanic's license to any individual who is certified by an elevator contractor licensed under this subchapter as adequately qualified and able to perform the work of an elevator mechanic without direct and immediate supervision, who the department determines is so qualified and able, and who applies for an emergency elevator mechanic's license on a form prescribed by the department. An individual certified by a contractor under this ~~subdivision~~ paragraph may perform work as an elevator mechanic for up to a total of 5 days preceding the date the individual is issued the license. An emergency elevator mechanic's license has a term of 30 days and may be renewed by the department in the case of a continuing emergency. The department shall specify on an emergency elevator mechanic's license the geographic area in which the licensee may provide services under the license. The requirements under par. (a) do not apply to an individual who applies for an emergency elevator mechanic's license.

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

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

the state for purposes of this chapter as provided in s. 250.042 (4) (b) 257.03.

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

102.29 (10) ~~No behavioral health provider, health care provider, pupil services provider, or substance abuse prevention provider~~ A practitioner who, under s. 250.042 (4) (b) 257.03, is considered to be an employee of the state for purposes of worker's compensation coverage while providing ~~volunteer, unpaid behavioral health services, health care services, pupil services, or substance abuse prevention services~~ on behalf of a health care facility, the department of health services, or a local health department during a state of emergency and who makes a claim for compensation under this chapter may not make a claim or ~~bring~~ maintain an action in tort against the health care facility, ~~department, or local health department~~ that accepted those services.

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

102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement officer, correctional officer, fire fighter, rescue squad member, diving team member, national guard member or state defense force member on state active duty as described in s. 102.07 (9) or if a deceased person is an employee or volunteer performing emergency management activities under ch. 466 323 during a state of emergency or a circumstance described in s. 466.04 323.12 (2) (c), who sustained an accidental injury while performing services growing out of and incidental to that employment or volunteer activity so that benefits are payable under s. 102.46 or 102.47 (1), the department shall voucher and pay from the appropriation under s. 20.445 (1) (aa) a sum equal to 75% of the primary death benefit as of the date of death, but not less than \$50,000 to the persons wholly dependent upon the deceased. For purposes of this subsection, dependency shall be determined under ss. 102.49 and 102.51.

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

110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and chs. 466, 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b), 167.31 (2) (b) to (d) and 287.81 and ch. 350 where applicable to highways, or orders or rules issued pursuant thereto.

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

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

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

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

board determines that the days will not count as school days.

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

115.812 (3) (b) 1. In this paragraph, "public agency" has the meaning given in s. 466.20 323.60 (1) (i), except that it excludes a local educational agency.

**SECTION 45g.** 118.38 (2) of the statutes is renumbered 118.38 (2) (am).

**SECTION 45r.** 118.38 (2) (bm) of the statutes is created to read:

118.38 (2) (bm) The department shall promulgate rules establishing criteria for waiving the requirement to schedule at least the number of hours of direct pupil instruction specified under s. 121.02 (1) (f) 2. if school is closed for a reason specified in s. 115.01 (10) (a) 2. or 3.

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

157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4), 979.02, and 979.10, and subch. VI of ch. 440, during a period of a state of emergency related to public health declared by the governor under s. 466.03 (1) (b) 1, 323.10, a public health authority may do all of the following:

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

165.25 (6) (b) Volunteer health care providers who provide services under s. 146.89 ~~or 250.042 (4), volunteer behavioral health providers, pupil services providers, and substance abuse prevention providers, practitioners~~ who provide services under s. 250.042 (4) 257.03, and health care facilities on whose behalf services are provided under s. 250.042 (4) 257.03 are, for the provision of those services, covered by this section and shall be considered agents of the department of health services for purposes of determining which agency head may request the attorney general to appear and defend them.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

323.12 (3) DUTIES DURING AN EMERGENCY. ~~Employ the division of emergency management during a state of emergency proclaimed by him or her; During a state of emergency declared under s. 323.10, the governor shall~~

~~issue orders and, delegate such authority as is deemed necessary to the administrator, and direct the division to coordinate emergency management activities.~~

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

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

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

**323.10 Declaration by governor.** The governor may: ~~1. Proclaim issue an executive order declaring a state of emergency for the state or any portion of the state if he or she determines that an emergency resulting from enemy action or natural or man-made a disaster or the imminent threat of a disaster exists. If the governor determines that a public health emergency exists, he or she may declare~~ issue an executive order declaring a state of emergency related to public health for the state or any portion of the state and may designate the department of health services as the lead state agency to respond to that emergency. The duration of such ~~If the governor determines that the emergency is related to computer or telecommunication systems, he or she may designate the department of administration as the lead agency to respond to that emergency. A state of emergency shall not exceed 60 days as to emergencies resulting from enemy action or 30 days as to emergencies resulting from natural or man-made disaster, unless either the state of emergency is extended by joint resolution of the legislature. A copy of the proclamation executive order shall be filed with the secretary of state. The proclamation executive order may be revoked at the discretion of either the governor by written executive order or the legislature by joint resolution.~~

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

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

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

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

323.12 (4) (a) ~~During a state of emergency, declare~~ Declare priority of emergency management contracts over other contracts, allocate materials and facilities in his or her discretion, and take, use, and destroy, in the name of the state, private property for emergency management purposes. ~~Such taking, use or destruction shall be in the name of the state. Records~~ The governor shall be kept keep records of such that action and such. Those records shall be evidence of a claim against the state. ~~Any such~~ The claim against the state shall be referred to the claims board under s. 16.007.

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

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

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

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

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

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

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

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

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

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

323.13 (1) (b) Subject to approval by the governor, develop and ~~promulgate~~ adopt a state plan of emergency management for the security of persons and property ~~which shall be mandatory during a state of emergency.~~ In developing the plan, the adjutant general shall seek the advice of the administrator, shall seek the advice of the department of health services with respect to the emergency medical aspects of the plan, and shall seek the advice of the department of administration with respect to aspects of the plan related to computer or telecommunication systems. The plan shall specify equipment and personnel standards, and shall require the use of the incident command system, and specify the type of incident command system, by all emergency response agencies, including local health departments, during a state of emergency declared under sub. (1) (b) 1. or s. 166.23 (1)

~~or in any other multi-jurisdictional or multi-agency emergency response s. 323.10 or 323.11.~~

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

323.13 (1) (c) Prescribe and carry out statewide training programs and exercises to develop emergency management proficiency, disseminate information ~~including~~ warnings of enemy action, serve as the principal assistant to the governor in the direction of emergency management activities, and coordinate emergency management programs ~~between counties.~~ The training programs shall include training in managing emergency operations utilizing the incident command system for local unit of government officials, officers, and employees whose duties include responding to ~~emergencies~~ a disaster or the imminent threat of a disaster, including officers and employees of local health departments. The adjutant general shall consult with the administrator, with the department of health services regarding the provision of incident command system training to local health department personnel, and with the department of administration regarding the provision of incident command system training for emergencies related to computer or telecommunication systems. To the extent possible, the adjutant general shall utilize federal funding to provide incident command system training.

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

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



consult with representatives of public works professional associations and organizations regarding the content of that agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**323.31 State disaster assistance.** From the appropriations under s. 20.465 (3) (b) and (s), the adjutant general shall make payments to local governmental units, as defined in s. 19.42 (7u), and to federally recognized American Indian tribes and bands in this state for the damages and costs incurred as the result of a ~~major catastrophe~~ disaster if federal disaster assistance is not available for that ~~catastrophe~~ disaster because the governor’s request that the president declare the ~~catastrophe~~ disaster a major disaster under 42 USC 5170 has been denied or because the disaster, as determined by the department of military affairs, does not meet the statewide or county-wide per capita impact indicator under the public assistance program that is issued by the federal emergency management agency. To be eligible for a payment under this ~~subdivision section~~, the local governmental unit or tribe or band shall pay 30 percent of the amount of the damages and costs resulting from the ~~natural~~ disaster. The department of military affairs shall promulgate rules establishing the application process and the criteria for determining eligibility for payments under this ~~subdivision section~~.

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

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

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

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

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

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

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

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

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

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

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

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

where restrictions are imposed by federal regulations on property donated by the federal government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**323.25 (title) Personnel restrictions.**

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

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

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

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

**SECTION 115m.** 166.03 (8) (d) to (g) of the statutes are repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

323.51 (1) DESIGNATION AND USE OF A TEMPORARY LOCATION BY THE GOVERNOR. Whenever, ~~during a state of emergency as the result of a disaster or the imminent threat of a disaster,~~ it becomes imprudent, inexpedient or impossible to conduct the affairs of state government at the state capital, the governor shall, as often as the exigencies of the situation require, by proclamation designate an emergency a temporary location for the seat of government at such a place within or without in or outside this state as he or she deems advisable, and. The governor shall take such any action and issue such any orders as are necessary for an orderly transition of the affairs of state government to such emergency the temporary location. If practicable, the emergency temporary location ~~so designated by the governor~~ designates shall conform to that provided for in the current emergency management plan authorized by s. 166.03. ~~Such emergency under subch. II.~~ The temporary location shall remain as the seat of government until the governor establishes a new location under this section, or until the emergency is ended under s. 166.03 and the seat of government is returned to its normal location.

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

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

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

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

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

**323.52 (1)** DESIGNATION OF EMERGENCY TEMPORARY LOCATIONS. Whenever during a state of emergency it becomes imprudent, inexpedient, or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the governing body of each county, town and municipality of this state local unit of government may meet at any place within or without the territorial limits of such political subdivision the local unit of government on the call of the presiding officer or his or her successor, and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute sites or places as the emergency temporary locations of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such alternate or substitute site or places may be within or without the territorial limits of such county, town or municipality the local unit of government and may be within or without those of the state. If practicable, they shall be the sites or places designated as the emergency temporary locations of government in the current emergency management plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**323.50 (5)** “Unavailable” means that during a state of emergency resulting from enemy action, either a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office and

his or her duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

323.55 (3) PERIOD ~~IN DURING~~ WHICH AUTHORITY MAY BE EXERCISED. ~~Officials authorized to act as governor pursuant to this section and emergency interim successors are empowered to exercise the powers and discharge the duties of an office as herein authorized~~ An interim successor to an office may discharge the duties of the

office only during the continuance of an emergency resulting from enemy action in the form of an attack. The legislature, by joint resolution, may at any time terminate the authority of said emergency an interim successors successor to exercise the powers and discharge the duties of office as herein provided in this subchapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

323.60 (1) DEFINITIONS. (intro.) In ss. ~~166.20 to 166.245~~ this subchapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 176.** 166.20 (2) (bm) of the statutes is renumbered 323.70 (1) (a) and amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Use the information contained in toxic chemical release forms submitted under sub. (5) ~~(a) 4.;~~ (d) in the



planning and implementation of programs related to the regulation, monitoring, abatement and mitigation of environmental pollution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Any person who violates sub. (5) ~~(a) 5. or 6.~~ (e) or (f) or the material safety data sheet requirements of [42 USC 11021](#), as applied under sub. (5) ~~(a) 3.~~ (c)., or any rule promulgated under sub. (5) ~~(a) 5. or 6.~~ (e) or (f) or

concerning material safety data sheet requirements shall forfeit not less than \$50 nor more than \$10,000.

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

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

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

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

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

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

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

**SECTION 211.** 166.21 (2m) (intro.) and (a) to (e) of the statutes are renumbered 323.61 (2m) (intro.) and (a) to (e).

**SECTION 212.** 166.21 (2m) (f) of the statutes is renumbered 323.61 (2m) (f) and amended to read:

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

**SECTION 213.** 166.21 (3), (4) and (5) of the statutes are renumbered 323.61 (3), (4) and (5), and 323.61 (3) (c), as renumbered, is amended to read:

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

**SECTION 214.** 166.215 (title) of the statutes is renumbered 323.70 (title).

**SECTION 215.** 166.215 (1) of the statutes is renumbered 323.70 (2) and amended to read:

323.70 (2) ~~Beginning July 1, 2001, the~~ The division shall contract with no more than 9 regional emergency response teams, one of which shall be located in La Crosse County. Each regional emergency response team shall assist in the emergency response to level A releases in a region of this state designated by the division. The division shall contract with at least one regional emergency response team in each area designated under s. ~~166.03 (2) (b) 1., 323.13 (2) (a).~~ The division may only

contract with a local agency, as defined in s. 166.22 (1) (e), under this subsection. A member of a regional emergency response team shall meet the highest standards for a hazardous materials responder in 29 CFR 1910.120 (q) (6) (iv) and National Fire Protection Association standards NFPA 471 and 472. Regional emergency response teams shall have at least one member that is trained in each of the appropriate specialty areas under National Fire Protection Association standard NFPA 472. Payments to regional emergency response teams under this subsection shall be made from the appropriation account under s. 20.465 (3) (dd).

**SECTION 216.** 166.215 (2) of the statutes is renumbered 323.70 (3) and amended to read:

323.70 (3) The division shall reimburse a regional emergency response team for costs incurred by the team in responding to an emergency involving a level A release, or a potential level A release, if the team followed the procedures in the rules promulgated under s. 166.20 (2) (bs) 1. sub. (7) (b) to determine if an emergency requiring a response existed. Reimbursement under this subsection is limited to amounts collected under sub. (3) (4) and the amounts appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the regional emergency response team has made a good faith effort to identify the person responsible under sub. (3) (4) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the regional emergency response team.

**SECTION 217.** 166.215 (3) (intro.) of the statutes is renumbered 323.70 (4) (intro.) and amended to read:

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

**SECTION 218.** 166.215 (3) (a) of the statutes is renumbered 323.70 (4) (a).

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

**SECTION 220.** 166.215 (4) of the statutes is renumbered 323.70 (5) and amended to read:

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

**SECTION 221.** 166.215 (5) of the statutes is renumbered 323.70 (6) and amended to read:

323.70 (6) The division shall notify the joint committee on finance in writing, before entering into a new con-

tractual agreement under sub. (4) (2) or renewing or extending a contractual agreement under sub. (4) (2), of the specific funding commitment involved in that proposed new, renewed or extended contract. The division shall include in that notification information regarding any anticipated contractual provisions that involve state fiscal commitments for each fiscal year in the proposed new, renewed or extended contract. The division may enter into a new contractual agreement or renew or extend a contractual agreement, as proposed in the notification to the joint committee on finance, if within 14 working days after notification the committee does not schedule a meeting to review the division's proposed action. If, within 14 working days after notification to the joint committee on finance, the committee notifies the division that the committee has scheduled a meeting to review the division's proposed action, the division may enter into the proposed new contact or renew or extend the contract as proposed only if the committee approves that action.

**SECTION 222.** 166.22 (title) of the statutes is renumbered 323.71 (title).

**SECTION 223.** 166.22 (1) (intro.) of the statutes is renumbered 323.70 (1) (intro.) and amended to read:

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

**SECTION 224.** 166.22 (1) (b), (c) and (d) of the statutes are renumbered 323.70 (1) (a), (b) and (c), and 323.70 (1) (c), as renumbered, is amended to read:

323.70 (1) (c) "Local emergency response team" means a team that the committee identifies under s. ~~166.24~~ 323.61 (2m) (e).

**SECTION 225.** 166.22 (2) of the statutes is renumbered 323.71 (1).

**SECTION 226.** 166.22 (3) of the statutes is renumbered 323.71 (2) and amended to read:

323.71 (2) If action required under sub. (2) (1) is not being adequately taken or the identity of the person responsible for an emergency involving a release or potential release of a hazardous substance is unknown and the emergency involving a release or potential release threatens public health or safety or damage to property, a local agency may take any emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the release or potential release of hazardous substances established by the department of natural resources under s. 292.11 (5) and that it considers appropriate under the circumstances.

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

323.71 (3) The division shall reimburse a local emergency response team for costs incurred by the team in responding to an emergency involving a hazardous substance release, or potential release, if the team followed the procedures in the rules promulgated under s. ~~166.20~~ (2) (bs) 2. 323.70 (7) (c) to determine if an emergency requiring the team's response existed. Reimbursement

under this subsection is limited to the amount appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency response team has made a good faith effort to identify the person responsible under sub. (4) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the local emergency response team.

**SECTION 228.** 166.22 (4) (a) of the statutes is renumbered 323.71 (4) (a).

**SECTION 229.** 166.22 (4) (b) of the statutes is renumbered 323.71 (4) (b) and amended to read:

323.71 (4) (b) A local emergency response team may receive reimbursement under par. (a) only if the team followed the procedures established under s. 166.20 (2) (b) 2: 323.70 (7) (c) to determine if an emergency requiring the team's response existed.

**SECTION 230.** 166.22 (5) of the statutes is renumbered 323.71 (5).

**SECTION 231.** 166.22 (6) of the statutes is renumbered 323.71 (6).

**SECTION 232.** 166.23 (title) of the statutes is repealed.

**SECTION 233.** 166.23 (1) of the statutes is renumbered 323.11 and amended to read:

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

**SECTION 234.** 166.23 (2) of the statutes is renumbered 323.14 (4) (a) and amended to read:

323.14 (4) (a) The emergency power of the governing body conferred under ~~sub. (1) s. 323.11~~ includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare and good order of the county, city, village, or town persons and property within the local unit of government in the emergency and includes ~~without limitation because of enumeration~~ the power to bar,

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

**SECTION 235.** 166.23 (2m) of the statutes is renumbered 323.14 (3) (a) and amended to read:

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

**SECTION 236.** 166.23 (3) of the statutes is renumbered 323.14 (4) (b) and amended to read:

323.14 (4) (b) If, because of the emergency conditions, the governing body of the county, city, village, or town local unit of government is unable to meet with ~~promptness~~ promptly, the chief executive officer or acting chief executive officer of any county, city, village, or town local unit of government shall exercise by proclamation all of the powers conferred upon the governing body under ~~sub. (1) or (2) which within the discretion of the officer par. (a) or s. 323.11 that~~ appear necessary and expedient for the purposes herein set forth. The proclamation shall be subject to ratification, alteration, modification, or repeal by the governing body as soon as that body can meet, but the subsequent action taken by the governing body shall not affect the prior validity of the proclamation.

**SECTION 237.** 166.25 of the statutes is renumbered 323.24 and amended to read:

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

**SECTION 238.** 166.30 of the statutes is renumbered 323.80.

**SECTION 239.** 250.01 (intro.) of the statutes is amended to read:

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

**SECTION 240.** 250.01 (6g) of the statutes is amended to read:

250.01 (6g) "Public health authority" means the department, if the governor declares under s. ~~166.03 (1) (b) 1. 323.10~~ a state of emergency related to public health

and designates the department as the lead state agency to respond to that emergency.

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

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

**SECTION 242.** 250.03 (3) (a) (intro.) of the statutes is amended to read:

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

**SECTION 243.** 250.042 (1) of the statutes is amended to read:

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

**SECTION 244.** 250.042 (4) (a) (intro.) of the statutes is repealed.

**SECTION 245.** 250.042 (4) (a) 1. of the statutes is renumbered 257.01 (1) (intro.) and amended to read:

257.01 (1) (intro.) “Behavioral health provider” means ~~an~~ any of the following:

(a) ~~An individual who at any time within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23, has, under chapter ch. 455, been is licensed as a psychologist or has, under ch. 457, been is certified as a social worker or licensed as a clinical social worker, a marriage and family therapist, or a professional counselor.~~

**SECTION 246.** 250.042 (4) (a) 2. of the statutes is renumbered 257.01 (4).

**SECTION 247.** 250.042 (4) (a) 3. of the statutes is renumbered 257.01 (5) (intro.) and amended to read:

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

(a) ~~An individual who, at any time within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23, has met requirements for a nurse aide under s. 146.40 (2) (a), (c), (e), (em), or (g), has been is licensed as a physician, a physician assistant, or a podiatrist~~

~~under ch. 448, licensed as a registered nurse, licensed practical nurse, or nurse-midwife under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 453, or has been certified as a respiratory care practitioner under ch. 448.~~

**SECTION 248.** 250.042 (4) (a) 3m. of the statutes is renumbered 257.01 (6).

**SECTION 249.** 250.042 (4) (a) 4. of the statutes is renumbered 257.01 (9) (intro.) and amended to read:

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

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

**SECTION 250.** 250.042 (4) (a) 5. of the statutes is renumbered 257.01 (11) (intro.) and amended to read:

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

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

**SECTION 251.** 250.042 (4) (b) of the statutes is renumbered 257.03 (1) (intro.) and amended to read:

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

(a) ~~The behavioral health services, health care services, pupil services, or substance abuse prevention services shall be are provided on behalf of a health care facility or mass clinic on a voluntary, unpaid basis, except that the behavioral health provider, health care provider, pupil~~

services provider, or substance abuse prevention provider may accept reimbursement for travel, lodging, and meals. The health care facility on whose behalf the services are provided is, for the provision of the services, a state agent of the department for purposes of ss. 165.25 (6), 893.82, and 895.46, or at the request of the department or a local health department.

**SECTION 252.** 250.042 (4) (c) of the statutes is repealed.

**SECTION 253.** 252.06 (10) (c) of the statutes is amended to read:

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

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

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

**SECTION 254.** 254.34 (1) (am) of the statutes is amended to read:

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

**SECTION 255.** 256.08 (4) (i) of the statutes is amended to read:

256.08 (4) (i) Provide advice to the adjutant general of the department of military affairs on the emergency medical aspects of the state plan of emergency management under s. 166.03 (2) (a) 1. 323.13 (1) (b) and coordinate emergency activities with the department of military affairs.

**SECTION 256.** 256.15 (2) of the statutes is amended to read:

256.15 (2) LICENSE OR CERTIFICATE REQUIRED. ~~No~~ Except when acting under s. 257.03, no person may act as or advertise for the provision of services as an ambulance service provider unless the person holds an ambulance service provider license issued under this section. ~~No~~ Except when acting under s. 257.03, no individual may act as or advertise for the provision of services as an emergency medical technician unless he or she holds an emergency medical technician license or training permit

issued under sub. (5). ~~No~~ Except when acting under s. 257.03, no individual may act as or advertise for the provision of services as a first responder unless he or she holds a first responder certificate issued under sub. (8).

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

#### CHAPTER 257

#### EMERGENCY VOLUNTEER HEALTH CARE PRACTITIONERS

**SECTION 258.** 257.01 (intro.) of the statutes is created to read:

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

**SECTION 259.** 257.01 (1) (b) and (c) of the statutes are created to read:

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

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

**SECTION 259g.** 257.01 (1g) of the statutes is created to read:

257.01 (1g) **“Clinical laboratory technician” means an individual who holds a valid, unexpired certification as a clinical laboratory technician or technologist from an organization from which the department recognizes certification for purposes of this chapter.**

**SECTION 260.** 257.01 (2) of the statutes is created to read:

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

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

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

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

**SECTION 261.** 257.01 (3) of the statutes is created to read:

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

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

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

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

**SECTION 262.** 257.01 (5) (b) and (c) of the statutes are created to read:

257.01 (5) (b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed practical nurse, or nurse–midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 453, or certified as a respiratory care practitioner under ch. 448, if the individual’s license or certification was never revoked, limited, suspended, or denied renewal.

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

**SECTION 263.** 257.01 (7) of the statutes is created to read:

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

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

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

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

**SECTION 264.** 257.01 (8) of the statutes is created to read:

257.01 (8) “Practitioner” means a behavioral health provider, clinical laboratory technician, emergency medical services provider, funeral director, health care pro-

vider, nurse aide, pupil services provider, or substance abuse prevention provider.

**SECTION 265.** 257.01 (9) (b) and (c) of the statutes are created to read:

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

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

**SECTION 266.** 257.01 (10) of the statutes is created to read:

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

**SECTION 267.** 257.01 (11) (b) and (c) of the statutes are created to read:

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

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

**SECTION 269.** 257.02 of the statutes is created to read:

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

**SECTION 270.** 257.03 (title) of the statutes is created to read:

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

**SECTION 271.** 257.03 (1) (b), (c) and (d) of the statutes are created to read:

257.03 (1) (b) The health care facility, mass clinic, department, or local health department on whose behalf the practitioner provides the services does not compensate the practitioner for the services, except the health care facility, mass clinic, department, or local health department may reimburse the practitioner for travel, lodging, or meals. The practitioner’s employer may

compensate the practitioner for the services as long as the employer is not the health care facility, mass clinic, department, or local health department on whose behalf the services are provided.

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

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

**SECTION 272.** 257.03 (2) of the statutes is created to read:

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

**SECTION 273.** 257.03 (3) of the statutes is created to read:

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

**SECTION 274.** 257.04 of the statutes is created to read:

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

**SECTION 275.** 292.11 (12) (b) of the statutes is amended to read:

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

**SECTION 276.** 321.39 (1) (a) 3. of the statutes is amended to read:

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

**SECTION 277.** 321.65 (1) (a) 2. of the statutes is amended to read:

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

**SECTION 278.** Chapter 323 (title) of the statutes is created to read:

**CHAPTER 323  
EMERGENCY MANAGEMENT**

**SECTION 279.** Subchapter I (title) of chapter 323 [precedes 323.01] of the statutes is created to read:

**CHAPTER 323  
SUBCHAPTER I  
GENERAL PROVISIONS**

**SECTION 280.** 323.02 (6) of the statutes is created to read:

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

**SECTION 281.** 323.02 (10) of the statutes is created to read:

323.02 (10) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

**SECTION 282.** 323.02 (15) of the statutes is created to read:

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

**SECTION 283.** 323.02 (17) of the statutes is created to read:

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

**SECTION 284.** 323.02 (19) of the statutes is created to read:

323.02 (19) "State agency" means any office, commission, board, department, or bureau of state government.

**SECTION 285.** Subchapter II (title) of chapter 323 [precedes 323.10] of the statutes is created to read:

**CHAPTER 323  
SUBCHAPTER II**

**POWERS AND DUTIES RELATED TO  
EMERGENCY MANAGEMENT**

**SECTION 286.** 323.12 (title) of the statutes is created to read:

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

**SECTION 287.** 323.12 (1) (intro.) of the statutes is created to read:

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

**SECTION 288.** 323.12 (2) (intro.) of the statutes is created to read:

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

**SECTION 289.** 323.12 (4) (intro.) of the statutes is created to read:

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

**SECTION 290.** 323.13 (title) of the statutes is created to read:



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

**SECTION 291.** 323.13 (1) (title) of the statutes is created to read:

323.13 (1) (title) ONGOING DUTIES.

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

323.13 (1) (a) Serve as the governor's principal assistant for directing and coordinating emergency management activities.

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

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

**SECTION 294.** 323.14 (1) (title) of the statutes is created to read:

323.14 (1) (title) ONGOING DUTIES.

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

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

**SECTION 296.** 323.14 (2) (title) of the statutes is created to read:

323.14 (2) (title) ONGOING POWERS.

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

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

**SECTION 298.** 323.14 (3) (title) of the statutes is created to read:

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

**SECTION 299.** 323.14 (4) (title) of the statutes is created to read:

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

**SECTION 300.** 323.15 (title) of the statutes is created to read:

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

**SECTION 301.** 323.15 (1) (title) of the statutes is created to read:

323.15 (1) (title) ONGOING DUTIES.

**SECTION 302.** 323.17 of the statutes is created to read:

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

**SECTION 303.** 323.18 of the statutes is created to read:

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

**SECTION 304.** 323.19 of the statutes is created to read:

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

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

**SECTION 305.** Subchapter III (title) of chapter 323 [precedes 323.30] of the statutes is created to read:

#### CHAPTER 323

##### SUBCHAPTER III

##### DISASTER ASSISTANCE PROGRAMS

**SECTION 306.** Subchapter IV (title) of chapter 323 [precedes 323.40] of the statutes is created to read:

#### CHAPTER 323

##### SUBCHAPTER IV

##### LIABILITY AND EXEMPTIONS

**SECTION 307.** 323.40 of the statutes is created to read:

#### **323.40 Responsibility for worker's compensation.**

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

(2) **STATE AGENCY VOLUNTEERS.** A volunteer who registers with a state agency to assist the agency without compensation, other than reimbursement for travel, lodging, or meals, during a disaster, an imminent threat of a disaster, or a related training exercise is considered an employee of the agency for worker's compensation under ch. 102, for purposes of any claim related to the assistance provided.

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

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

**SECTION 308.** 323.41 (title), (1), (2), (3) and (4) of the statutes are created to read:

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

(2) **STATE AGENCY VOLUNTEERS.** Except as provided in s. 323.45, a volunteer who registers with a state agency to assist the agency without compensation, other than reimbursement for travel, lodging, or meals, during a disaster, an imminent threat of a disaster, or a related training exercise is considered an employee of the agency under ss. 893.82 and 895.46, for purposes of any claim related to the assistance provided.

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

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

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

**SECTION 309.** 323.42 of the statutes is created to read:

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

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

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

**SECTION 310.** 323.45 (4) of the statutes is created to read:

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

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

**SECTION 311.** Subchapter V (title) of chapter 323 [precedes 323.50] of the statutes is created to read:

### **CHAPTER 323**

#### **SUBCHAPTER V**

#### **EMERGENCY LOCATION AND CONTINUITY OF GOVERNMENT**

**SECTION 312.** 323.50 (1) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

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

**SECTION 313.** 323.53 (1) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

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

**SECTION 314.** 323.53 (2) (b) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

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

**SECTION 315.** 323.54 (1) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

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

**SECTION 316.** 323.55 (title) of the statutes is created to read:

**323.55 (title) Interim successors.**

**SECTION 317.** 323.55 (3) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

323.55 (3) PERIOD DURING WHICH AUTHORITY MAY BE EXERCISED. An interim successor to an office may discharge the duties of the office only during the continuance of an emergency resulting from ~~enemy action in the form of an attack~~ a disaster or the imminent threat of a disaster. The legislature, by joint resolution, may at any time terminate the authority of an interim successor to exercise the powers and discharge the duties of office provided in this subchapter.

**SECTION 318.** Subchapter VI (title) of chapter 323 [precedes 323.60] of the statutes is created to read:

**CHAPTER 323****SUBCHAPTER VI****EMERGENCY PLANNING**

**SECTION 319.** Subchapter VII (title) of chapter 323 [precedes 323.70] of the statutes is created to read:

**CHAPTER 323****SUBCHAPTER VII****EMERGENCY RESPONSE TEAMS**

**SECTION 320.** Subchapter VIII (title) of chapter 323 [precedes 323.80] of the statutes is created to read:

**CHAPTER 323****SUBCHAPTER VIII****EMERGENCY MANAGEMENT ASSISTANCE****COMPACT**

**SECTION 321.** 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 322.** 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 323.** 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 324.** 441.10 (3) (c) of the statutes is amended to read:

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

**SECTION 325.** 441.15 (2) (intro.) of the statutes is amended to read:

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

**SECTION 326.** 441.15 (5) (a) 5. of the statutes is amended to read:

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

**SECTION 327.** 445.04 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

445.04 (2) ~~No~~ Except as provided in s. 257.03, no person may engage in the business of a funeral director, or make a representation as engaged in such business, in whole or in part, unless first licensed as a funeral director by the examining board. Application for a license, other than a renewal, shall be in writing and verified on a form to be furnished by the department. The application must specify the address at which the applicant proposes to conduct the business of a funeral director and shall contain such other information as the examining board requires to determine compliance with the requirements of this chapter. Accompanying the application shall be the initial credential fee determined by the department under s. 440.03 (9) (a), together with affidavits of recommendation from at least 2 persons of the county in which

the applicant resides or proposes to conduct the business of a funeral director.

**SECTION 328.** 447.03 (1) (intro.) of the statutes is amended to read:

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

**SECTION 329.** 448.03 (2) (p) of the statutes is amended to read:

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

**SECTION 330.** 448.03 (3) (a) (intro.) of the statutes is amended to read:

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

**SECTION 331.** 448.03 (3) (b) of the statutes is amended to read:

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

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

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

**SECTION 333.** 448.61 of the statutes is amended to read:

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

**SECTION 334.** 448.66 of the statutes is amended to read:

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

**SECTION 335.** 450.03 (1) (h) of the statutes is amended to read:

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

**SECTION 336.** 450.145 (1) (c) of the statutes is amended to read:

450.145 (1) (c) The dispensing of a prescription by the pharmacist or pharmacy for treatment of a disease that is relatively uncommon or may be associated with bioterrorism, as defined in s. ~~166.02 (1r)~~ 323.02 (4).

**SECTION 337.** 453.05 (1) of the statutes is amended to read:

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

**SECTION 338.** 455.02 (1m) of the statutes is amended to read:

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

**SECTION 339.** 455.02 (3m) of the statutes is amended to read:

455.02 (3m) **USE OF TITLES.** Except as provided in s. ~~250.042 (4) (b)~~ 257.03, only an individual licensed under s. 455.04 (1) may use the title "psychologist" or any similar title or state or imply that he or she is licensed to practice psychology, and only an individual licensed under s. 455.04 (4) may use the title "private practice school psychologist" or any similar title or state or imply that he or she is licensed to engage in the private practice of school psychology. Except as provided in s. ~~250.042 (4) (b)~~ 257.03, only an individual licensed under s. 455.04 (1) or (4) may represent himself or herself to the public by any description of services incorporating the word "psychological" or "psychology".

**SECTION 340.** 457.04 (intro.) of the statutes is amended to read:

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

**SECTION 341.** 801.50 (3m) of the statutes is created to read:

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

**SECTION 342.** 893.82 (2) (d) 1n. of the statutes is amended to read:

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

**SECTION 343.** 895.46 (5) (am) of the statutes is amended to read:

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

**SECTION 344.** 895.483 (1) of the statutes is amended to read:

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

**SECTION 345.** 895.483 (2) of the statutes is amended to read:

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

**SECTION 346.** 895.483 (3) of the statutes is amended to read:

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

**SECTION 347.** 895.51 (2m) of the statutes is amended to read:

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

**SECTION 348.** 895.55 (2) (intro.) of the statutes is amended to read:

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

**SECTION 349.** 979.012 (1) of the statutes is amended to read:

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

**SECTION 350.** Laws of 1965, chapter 583, section 9 is amended to read:

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

**SECTION 351. Initial applicability.**

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

**SECTION 352. Effective dates.** This act takes effect on the day after publication, except as follows:

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

(2) SUCCESSION IN EMERGENCIES RESULTING FROM DISASTER. The amendment of sections 323.50 (1), 323.53 (1) and (2) (b) (intro.), 323.54 (1), and 323.55 (3) of the statutes takes effect on the day after the secretary of state notifies the legislature that an amendment to the Wisconsin

sin Constitution has been approved that requires the legislature to provide for temporary succession to the powers and duties of public offices for the period of an

emergency resulting from a cause other than an enemy action.

