

ASSEMBLY BILL 316 (LRB -2935)

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), 166.06 (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 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) 9., 166.03 (2) (b) (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) (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., chapter 257 (title), 257.01 (intro.), 257.01 (1) (b) and (c), 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), 257.01 (12), 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, and providing penalties. (FE)

2009

- 06-16. A. Introduced by **JOINT LEGISLATIVE COUNCIL**.
- 06-16. A. Read first time and referred to committee on State Affairs and Homeland Security 265
- 06-18. A. Fiscal estimate received.
- 06-19. A. Fiscal estimate received.
- 06-24. A. Fiscal estimate received.
- 06-29. A. Fiscal estimate received.
- 06-29. A. Fiscal estimate received.
- 07-01. A. Fiscal estimate received.

07-02. A. Public hearing held.

07-16. A. Executive action taken.

07-16. A. Assembly amendment 1 offered by committee on State Affairs and Homeland Security (**LRB a0563**) 340

07-24. A. Report Assembly Amendment 1 adoption recommended by committee on State Affairs and Homeland Security, Ayes 7, Noes 0 340

07-24. A. Report passage as amended recommended by committee on State Affairs and Homeland Security, Ayes 7, Noes 0 340

07-24. A. Referred to committee on Rules 340

07-29. A. Fiscal estimate received.

08-05. A. Fiscal estimate received.

09-15. A. Placed on calendar 9-17-2009 by committee on Rules.

09-17. A. Read a second time 390

09-17. A. Assembly amendment 1 **adopted** 390

09-17. A. Assembly amendment 2 offered by Representative Ballweg (**LRB a0703**) 390

09-17. A. Assembly amendment 2 **adopted** 390

09-17. A. Assembly amendment 3 offered by Representatives Nass and Ballweg (**LRB a0736**) 390

09-17. A. Assembly amendment 3 **adopted** 390

09-17. A. Ordered to a third reading 390

09-17. A. Rules suspended 390

09-17. A. Read a third time and **passed** 390

09-17. A. Ordered immediately messaged 390

09-18. S. Received from Assembly 313

09-21. S. Read first time and referred to committee on Senate Organization 314

09-21. S. Available for scheduling.

09-22. S. Rules suspended to withdraw from committee on Senate Organization and take up.

09-22. S. Read a second time.

09-22. S. Ordered to a third reading.

09-22. S. Rules suspended.

09-22. S. Read a third time and **concurred in**.

09-22. S. Ordered immediately messaged.

09-22. A. Received from Senate concurred in.

2009
ENROLLED BILL

09en A B-316 ✓

ADOPTED DOCUMENTS:

Orig Engr SubAmdt 09 -2935 / 2 ✓

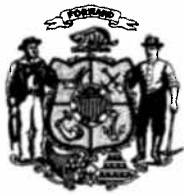
Amendments to above (if none, write "NONE"): AA1 - a 0563/3 ✓
AA2 - a 0703/1 ✓
AA3 - a 0736/1 ✓

Corrections - show date (if none, write "NONE"): None

Topic
_____ emergency management, succession of public offices, volunteers, disaster relief,
_____ ratification of the pest control compact, disposal of animal carcasses, plant industry,
_____ computation of school days, hospital requirements, telecommunications emergencies

9-23-09
Date


Enrolling Drafter



2009 ASSEMBLY BILL 316

June 16, 2009 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on State Affairs and Homeland Security.

1 **AN ACT** *to repeal* chapter 166 (title), 166.02 (2), 166.02 (5), 166.02 (6u), 166.03
2 (title), 166.03 (1) (title) and (a) (intro.), 166.03 (2) (title), 166.03 (2) (a) 4., 166.03
3 (3), 166.03 (5) (title), 166.03 (7) (title), 166.03 (7) (c), 166.06 (3), 166.08 (1),
4 166.08 (2) (a), 166.08 (5), 166.08 (6) (title), 166.10 (intro.), 166.20 (1) (fm), 166.20
5 (1) (gm), 166.20 (1) (im), 166.20 (5) (b), 166.20 (9) (e), 166.23 (title), 250.042 (4)
6 (a) (intro.) and 250.042 (4) (c); *to renumber* 166.01 (title), 166.02 (intro.),
7 166.02 (1g), 166.02 (1m), 166.02 (1p), 166.02 (1r), 166.02 (3), 166.02 (6m),
8 166.02 (6r), 166.02 (7), 166.03 (1) (a) 1., 166.03 (1) (b) 2., 166.03 (2) (a) 5., 166.03
9 (2) (b) 3., 166.03 (2) (b) 4., 166.03 (2) (b) 7., 166.05 (title), 166.10 (1) to (5), 166.15
10 (title), 166.15 (1) (intro.), (a), (b), (c) and (d), 166.15 (1) (f) to (k), (2), (3), (4) and
11 (5), 166.20 (title), 166.20 (1) (b) and (c), 166.20 (1) (e) and (f), 166.20 (1) (g),
12 166.20 (1) (gi), 166.20 (1) (h) and (i), 166.20 (1) (k), 166.20 (2) (b), 166.20 (2) (c),
13 166.20 (2) (e), 166.20 (2) (f), 166.20 (3) (a), 166.20 (5) (title), 166.20 (5) (a) 1., 2.
14 and 3., 166.20 (5m) and (6), 166.20 (7) (title), 166.20 (9) (title), 166.20 (9) (b),
15 166.20 (9) (c) 1., 166.20 (10), 166.21 (title), 166.21 (1) (title), 166.21 (2m) (intro.)
16 and (a) to (e), 166.215 (title), 166.215 (3) (a), 166.215 (3) (b), 166.22 (title),

ASSEMBLY BILL 316

1 166.22 (2), 166.22 (4) (a), 166.22 (5), 166.22 (6), 166.30, 250.042 (4) (a) 2. and
2 250.042 (4) (a) 3m.; **to renumber and amend** 16.61 (3) (d), 94.77, 166.01,
3 166.02 (1t), 166.02 (4), 166.02 (8), 166.03 (1) (a) 2., 166.03 (1) (a) 3., 166.03 (1)
4 (a) 4., 166.03 (1) (b) 3., 166.03 (1) (b) 4., 166.03 (1) (b) 5., 166.03 (1) (b) 6., 166.03
5 (1) (b) 8., 166.03 (2) (a) (intro.), 166.03 (2) (a) 1., 166.03 (2) (a) 2., 166.03 (2) (a)
6 3., 166.03 (2) (a) 6., 166.03 (2) (b) (intro.), 166.03 (2) (b) 1., 166.03 (2) (b) 2.,
7 166.03 (2) (b) 5., 166.03 (2) (b) 6., 166.03 (2) (b) 8., 166.03 (2) (b) 9., 166.03 (4)
8 (title), 166.03 (4) (a), 166.03 (4) (b), 166.03 (4) (c), 166.03 (4) (d), 166.03 (5) (a),
9 166.03 (5) (b), 166.03 (5) (c), 166.03 (5) (d), 166.03 (5a), 166.03 (6), 166.03 (7) (a),
10 166.03 (7) (b), 166.03 (8) (title), 166.03 (8) (a) to (c), 166.03 (9), 166.03 (10),
11 166.03 (11), 166.03 (12), 166.03 (13), 166.03 (14), 166.04, 166.05 (1), 166.05 (2),
12 166.06 (title), 166.06 (1), 166.06 (2), 166.07 (title), 166.07, 166.08 (title), 166.08
13 (2) (intro.), 166.08 (2) (b), 166.08 (2) (c), 166.08 (2) (d), 166.08 (2) (e), 166.08 (3),
14 166.08 (4), 166.08 (6), 166.08 (7), 166.08 (8), 166.08 (9), 166.08 (10), 166.08 (11),
15 166.09, 166.15 (1) (e), 166.20 (1) (intro.), 166.20 (1) (d), 166.20 (1) (ge), 166.20
16 (1) (gk), 166.20 (1) (j), 166.20 (2) (intro.), 166.20 (2) (a), 166.20 (2) (bg), 166.20
17 (2) (bm), 166.20 (2) (bs) 1., 166.20 (2) (bs) 2., 166.20 (2) (d), 166.20 (3) (intro.),
18 166.20 (3) (b), 166.20 (3) (c), 166.20 (4), 166.20 (4m), 166.20 (5) (a) 4., 5. and 6.,
19 166.20 (7) (a) (intro.), 166.20 (7) (a) 1., 166.20 (7) (a) 2., 166.20 (7) (b), (d), (dm)
20 and (e), 166.20 (7m) and (8), 166.20 (9) (a), 166.20 (11), 166.21 (1) (a), 166.21 (1)
21 (b) and (2), 166.21 (2m) (f), 166.21 (3), (4) and (5), 166.215 (1), 166.215 (2),
22 166.215 (3) (intro.), 166.215 (4), 166.215 (5), 166.22 (1) (intro.), 166.22 (1) (b),
23 (c) and (d), 166.22 (3), 166.22 (3m), 166.22 (4) (b), 166.23 (1), 166.23 (2), 166.23
24 (2m), 166.23 (3), 166.25, 250.042 (4) (a) 1., 250.042 (4) (a) 3., 250.042 (4) (a) 4.,
25 250.042 (4) (a) 5. and 250.042 (4) (b); **to consolidate, renumber and amend**

ASSEMBLY BILL 316

1 166.03 (1) (b) (intro.) and 1.; **to amend** 17.025 (4) (c), 20.370 (3) (ma), 20.370
2 (3) (mu), 20.465 (1) (h), 20.465 (3) (b), 20.465 (3) (dd), 20.465 (3) (dp), 20.465 (3)
3 (dr), 20.465 (3) (e), 20.465 (3) (f), 20.465 (3) (g), 20.465 (3) (h), 20.465 (3) (i),
4 20.465 (3) (jm), 20.465 (3) (jt), 20.465 (3) (r), 20.465 (3) (s), 23.114 (1) (c), 50.36
5 (3d) (a) 1., 50.36 (3d) (a) 2., 59.54 (8) (a) 1., 59.54 (8) (a) 3., 59.54 (8) (b) 2., 60.23
6 (20), 60.24 (1) (e) 3., 66.0312 (3), 66.03125 (3), 66.0314 (1) (a), 66.0314 (2) (a),
7 66.0314 (2) (b) 1., 101.985 (2) (c), 102.07 (7m), 102.29 (10), 102.475 (1), 110.07
8 (1) (a) 1., 115.01 (10) (a) 2., 115.812 (3) (b) 1., 157.055 (2) (intro.), 165.25 (6) (b),
9 250.01 (intro.), 250.01 (6g), 250.01 (6r), 250.03 (3) (a) (intro.), 250.042 (1),
10 252.06 (10) (c), 254.34 (1) (am), 256.08 (4) (i), 256.15 (2), 292.11 (12) (b), 321.39
11 (1) (a) 3., 321.65 (1) (a) 2., 323.50 (1), 323.53 (1), 323.53 (2) (b) (intro.), 323.54
12 (1), 323.55 (3), 341.04 (intro.), 440.88 (5), 441.06 (4), 441.10 (3) (c), 441.15 (2)
13 (intro.), 441.15 (5) (a) 5., 445.04 (2), 447.03 (1) (intro.), 448.03 (2) (p), 448.03 (3)
14 (a) (intro.), 448.03 (3) (b), 448.03 (3) (e), 448.61, 448.66, 450.03 (1) (h), 450.145
15 (1) (c), 453.05 (1), 455.02 (1m), 455.02 (3m), 457.04 (intro.), 893.82 (2) (d) 1n.,
16 895.46 (5) (am), 895.483 (1), 895.483 (2), 895.483 (3), 895.51 (2m), 895.55 (2)
17 (intro.) and 979.012 (1); **to repeal and recreate** 95.50; **to create** 14.38 (10m),
18 50.36 (6), 94.77 (2), 94.77 (3), 115.01 (10) (a) 3., chapter 257 (title), 257.01
19 (intro.), 257.01 (1) (b) and (c), 257.01 (2), 257.01 (3), 257.01 (5) (b) and (c), 257.01
20 (7), 257.01 (8), 257.01 (9) (b) and (c), 257.01 (10), 257.01 (11) (b) and (c), 257.01
21 (12), 257.02, 257.03 (title), 257.03 (1) (b), (c) and (d), 257.03 (2), 257.03 (3),
22 257.04, chapter 323 (title), subchapter I (title) of chapter 323 [precedes 323.01],
23 323.02 (6), 323.02 (10), 323.02 (15), 323.02 (17), 323.02 (19), subchapter II (title)
24 of chapter 323 [precedes 323.10], 323.12 (title), 323.12 (1) (intro.), 323.12 (2)
25 (intro.), 323.12 (4) (intro.), 323.13 (title), 323.13 (1) (title), 323.13 (1) (a), 323.13

ASSEMBLY BILL 316

1 (2) (h), 323.14 (1) (title), 323.14 (1) (a) 1., 323.14 (2) (title), 323.14 (2) (a), 323.14
 2 (3) (title), 323.14 (4) (title), 323.15 (title), 323.15 (1) (title), 323.17, 323.18,
 3 323.19, subchapter III (title) of chapter 323 [precedes 323.30], subchapter IV
 4 (title) of chapter 323 [precedes 323.40], 323.40, 323.41 (title), (1), (2), (3) and (4),
 5 323.42, 323.45 (4), subchapter V (title) of chapter 323 [precedes 323.50], 323.55
 6 (title), subchapter VI (title) of chapter 323 [precedes 323.60], subchapter VII
 7 (title) of chapter 323 [precedes 323.70], subchapter VIII (title) of chapter 323
 8 [precedes 323.80] and 801.50 (3m) of the statutes; and **to affect** Laws of 1965,
 9 chapter 583, section 9; **relating to:** emergency management, succession of
 10 public offices, liability and licensure of emergency volunteers, disaster relief,
 11 ratification of the pest control compact, transportation and disposal of animal
 12 carcasses, the plant industry, computation of school days, variance for hospital
 13 requirements, public works mutual assistance, emergencies related to
 14 computer or telecommunication systems, and providing penalties. INSERT AAI-1

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTE provided by the Joint Legislative Council in the bill.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Emergency Management and Continuity of Government. The Special Committee was directed to: (1) conduct a recodification of ch. 166, stats., relating to emergency management, to include reorganizing the chapter in a logical manner, renumbering and retitling sections, consolidating related provisions, modernizing language, resolving ambiguities in language, and making other necessary changes; (2) make recommendations on issues relating to continuity of legislative operations during emergencies, including but not limited to lines of succession, alternate seat of state government for the legislature, suspension of legislative quorum requirements, and participation by legislators through

ASSEMBLY BILL 316

alternative means from remote locations; and (3) review the uniform emergency volunteer health practitioners act for consideration and introduction in the next legislative biennium.

Recodification of Chapter 166 of the Statutes

The bill does the following regarding the emergency management provisions of the statutes:

1. Moves the emergency management provisions of the statutes that are currently in ch. 166 to a newly created ch. 323.

2. Reorganizes the entire chapter by subdividing it into the 8 subchapters shown in the table of contents set forth below. The current ch. 166 consists of 18 sections that are not organized into subchapters.

3. Makes nonsubstantive editorial changes to modernize language to make the language consistent with current drafting style.

4. Makes minor changes in the chapter. These include the following:

- Creates a definition of the term disaster – “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.”

- Provides that an individual may not simultaneously serve as the head of emergency management for 2 or more counties.

- Specifies that alleged violations on tribal land of the statutes relating to hazardous substances information may be enforced only by the department of justice.

Chapter 323, which will be entitled Emergency Management, will be organized as follows:

**Subchapter I
General Provisions**

323.01 Declaration of policy.

323.02 Definitions.

**Subchapter II
Powers and Duties Related to Emergency Management**

323.10 Declaration by governor.

323.11 Declaration by local government.

323.12 Governor; duties and powers.

323.13 Adjutant general; duties and powers.

323.14 Local government; duties and powers.

323.15 Heads of emergency management; duties and powers.

323.16 Powers of law enforcement officers.

323.17 State traffic patrol officers and conservation wardens.

323.18 State agency volunteers.

323.19 State official authority to grant variances to statutes and rules for a disaster.

ASSEMBLY BILL 316

- ~~323.20~~ Emergency use of vehicles.
- ~~323.24~~ Prohibition against restricting firearms or ammunition during emergency.
- ~~323.25~~ Personnel restrictions.
- ~~323.28~~ Penalties.
- Subchapter III
Disaster Assistance Programs**
- ~~323.30~~ Federal disaster assistance.
- ~~323.31~~ State disaster assistance.
- Subchapter IV
Liability and Exemptions**
- ~~323.40~~ Responsibility for worker's compensation.
- ~~323.41~~ Liability of state or local unit of government.
- ~~323.42~~ Reimbursement of local units of government.
- ~~323.43~~ Bearing of losses.
- ~~323.44~~ Public shelters.
- ~~323.45~~ Providers of equipment and other items.
- Subchapter V
Emergency Location and Continuity of Government**
- ~~323.50~~ Definitions.
- ~~323.51~~ Emergency seat of state government.
- ~~323.52~~ Temporary locations of government for local units of government.
- ~~323.53~~ Succession to office; state officers.
- ~~323.54~~ Succession to office; local officers.
- ~~323.55~~ Interim successors.
- Subchapter VI
Emergency Planning**
- ~~323.60~~ Hazardous substances information and emergency planning.
- ~~323.61~~ Emergency planning grants.
- Subchapter VII
Emergency Response Teams**
- ~~323.70~~ Hazardous substance emergency response.
- ~~323.71~~ Local agency response and reimbursement.
- Subchapter VIII
Emergency Management Assistance Compact**
- ~~323.80~~ Emergency management assistance compact.

ASSEMBLY BILL 316**Liability and Licensure of Volunteers**

Current law provides that certain health care providers who, during a declared state of emergency, provide services for which they are credentialed, are considered state agents of the department of health services (DHS) for purposes of certain statutes related to lawsuits (notification to the state, legal representation by the state, limitation on damages, and payment of damages) and are considered employees of the state for purposes of worker's compensation benefits. Those providers must have provided the services on behalf of a health care facility or mass clinic on a voluntary, unpaid basis, except that the provider may accept reimbursement for travel, lodging, and meals. In addition, current law provides that the health care facility on whose behalf the services are provided is, for the provision of those services, a state agent of DHS for purposes of the statutes related to litigation.

Current law provides that the persons covered by this statute are a behavioral health provider (psychologist, social worker, clinical social worker, marriage and family therapist, or professional counselor); health care provider (nurse aide, physician, physician assistant, podiatrist, registered nurse, licensed practical nurse, nurse-midwife, dentist, pharmacist, veterinarian, or respiratory care practitioner); pupil services provider (school counselor, school psychologist, or school social worker); or substance abuse prevention provider (substance abuse counselor, clinical supervisor, or prevention specialist). In order for these persons to be covered by the current law, they must have been credentialed by the specified Wisconsin regulatory agency at any time within the 10 years before a state of emergency is declared.

The bill makes the following changes in current law:

- The statutes described above, as modified by the bill, are moved to a new chapter of the statutes — ch. 257, stats., which will be entitled “Emergency Volunteer Health Care Practitioners”.
- While current law covers persons credentialed by Wisconsin regulatory agencies, the bill also includes persons who are credentialed 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 credentialed in Wisconsin may perform.
- The bill includes several providers who are not covered by current law — emergency medical technicians, first responders, funeral directors, and veterinary technicians.
- The bill requires DHS to establish and maintain an electronic system to verify credentials of and register providers willing to volunteer during an emergency.
- The bill requires that the provider must register in writing with the health care facility or mass clinic where he or she provides the services and be included in the DHS registry of providers willing to volunteer during an emergency.

Agricultural Issues**1. Pest Control**

In the 1965–66 legislative session, the legislature ratified the pest control compact. However, that ratification was made contingent on ratification of the compact by Illinois, Iowa, Michigan, and Minnesota. While Illinois, Michigan, and Minnesota have ratified the compact, Iowa has not done so.

The bill eliminates the need for Iowa to ratify the pest control compact in order for Wisconsin's ratification to take effect. Therefore, if the bill is enacted into law, Wisconsin's ratification of the compact will take effect.

ASSEMBLY BILL 316**2. Animal Carcasses**

Current law provides that a person may not deposit or throw into any specified body of water, or leave or deposit on any public highway or other place, the carcass of any animal. In addition, a dead animal may not be deposited or left on any premises under a person's control if it is exposed in such a manner that it could be reached by dogs or wild animals for a period longer than 24 hours in the months of April to November, or 48 hours in the months of December to March. No person is allowed to transport, haul, or drag along any highway the carcass of any animal suspected of having died from specified diseases or any other disease that the department of agriculture, trade and consumer protection (DATCP) designates as highly dangerous. Those carcasses are required to be burned or buried at least 6 feet below the surface of the ground and completely covered.

In addition, current law provides that any dead animal found on a public highway or other public place must, if the owner of the animal cannot be found, be buried or otherwise disposed of at public expense by the local health department in the jurisdiction where the animal is found. However, this does not apply if the county exercises its authority under a statute allowing the removal of dead animals or contracting for removal and burial or other disposition with a private rendering plant. If a county does not exercise its authority under that statute, the owner of the carcass must dispose of it as specified in current law.

The bill repeals current law and replaces it with a statute that provides that no person may do either of the following, either directly or through an employee or agent: (1) 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; or (2) dispose of a carcass in the waters of the state (except that this does not prohibit the use of farm-raised fish as bait). The bill also provides that no person who owns or controls a carcass, or 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. In addition, DATCP may regulate the transportation and disposal of carcasses to prevent and control contagious and infectious diseases.

For purposes of the above statute, the term "carcass" is defined as the dead body, or any part of the dead body, of a livestock animal or other domestic animal. The term "contagious or infectious disease" is defined as a disease that is spread by contact, bodily secretions, or fomites, or that is caused by a pathogenic agent. A "fomite" is defined as an inanimate object or a substance that transfers infectious organisms from one animal to another. Finally, the bill defines "diseased carcass" as 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 such a disease, based on known exposure to such a disease; or (3) reasonably suspected of being infected with such a disease, based on symptoms or testing.

3. Plant Industry

Current law provides that any person who violates any provision of ch. 94, stats., for which a specific penalty is not prescribed must be fined not more than \$200 or imprisoned in the county jail for not more than 6 months or both. Portions of ch. 94, stats., for which no specific penalty is prescribed include provisions that deal with plant inspection and pest control, abatement of pests, inspection and licensing of nursery stock, and regulation of honeybees.

The bill increases the penalty to provide that any person who violates any provision of ch. 94, stats., for which a specific penalty is not prescribed, or an order issued or rule promulgated under such a provision, may be fined not more than \$1,000 for the first

ASSEMBLY BILL 316

offense and may be fined not less than \$500 nor more than \$5,000 or imprisoned not more than 6 months or both for each subsequent offense. The bill also provides that in lieu of this criminal penalty, 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, may be required to forfeit not less than \$400 nor more than \$10,000.

In addition, the bill gives DATCP the authority to seek an injunction restraining any person from violating ch. 94, stats., or a rule promulgated under that chapter.

Computation of School Days

Current law provides that no state aid may be paid to a school district that fails to hold school for at least 180 days each year, with the days to be computed in accordance with s. 115.01 (10). That latter statute provides that school days are days on which school is actually taught and also include the following: (1) days on which school is closed by order of the school district administrator because of inclement weather and days on which parent-teacher conferences are held, not to exceed 5 days during the school term; and (2) days on which school is closed by order of a local health officer.

This bill also includes days on which school is closed by order of the state department of health services. In addition, it includes 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, which is covered by current law).

Hospital Variances

Current law provides that the pharmacy examining board (PEB) or its designee may grant a variance to a requirement of ch. 450, stats., which relates to regulation of pharmacists and pharmacies, or a rule promulgated by the PEB if all of the following conditions are met: (1) the PEB or designee determines that a natural or man-made disaster or emergency exists or has occurred; (2) the pharmacist has requested the variance; and (3) the PEB or designee determines that the variance is necessary to protect the public health, safety, or welfare. If a member of the PEB disagrees with a decision made by a designee, the chairperson of the PEB is required to call a meeting as soon as practicable to review the decision and the PEB may affirm or modify the designee's decision. A variance is for a stated term not to exceed 90 days, except that the PEB or designee may extend the variance upon request by a pharmacist if it determines that an extension is necessary to protect the public health, safety, or welfare.

The bill creates a similar provision for the secretary of DHS with respect to hospitals. Under the bill, the secretary or his or her designee may grant a variance to a statute affecting hospitals or a rule of DHS affecting hospitals if all of the conditions are met: (1) the secretary or designee determines that a disaster, as defined in the bill, has occurred; (2) a hospital has requested the variance; and (3) the secretary or designee determines that the variance is necessary to protect the public health, safety, or welfare. A variance is for a stated term not to exceed 90 days, except that the secretary or 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.

Public Works Mutual Assistance

Currently, the adjutant general is required to furnish guidance and establish standards for emergency management programs of local governments.

The bill requires that standards for public works include a suggestion that local governments, or federally recognized American Indian tribes or bands, adopt the mutual

ASSEMBLY BILL 316

assistance agreement created by the division of emergency management for the intergovernmental collaboration of public works personnel, equipment, and resources during an emergency. The adjutant general must consult with public works associations and organizations regarding the content of that agreement. The bill also defines the term “public works”.

Computer or Telecommunication Systems Emergencies

Current law allows the governor to declare a state of emergency for the state or any portion of the state if he or she determines that certain emergencies or disasters exist. If the governor determines that a public health emergency exists, he or she may declare a state of emergency related to public health and may designate DHS as the lead state agency to respond to that emergency. The bill provides that if the governor determines that an emergency related to computer or telecommunication systems exists, he or she may designate the department of administration (DOA) as the lead agency to respond to that emergency.

Current law provides that subject to approval by the governor, the adjutant general must develop and promulgate a state plan of emergency management for the security of persons and property. In developing the plan, the adjutant general must seek the advice of DHS with respect to the emergency medical aspects of the plan. The bill requires that the adjutant general seek the advice of DOA with respect to aspects of the plan related to computer or telecommunication systems.

Current law requires the adjutant general to prescribe and carry out statewide training programs and exercises. The adjutant general is required to consult with DHS regarding the provision of incident command system training to local health department personnel. The bill requires the adjutant general to consult with DOA regarding the provision of incident command system training for emergencies related to computer or telecommunication systems.

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

2 14.38 (10m) NOTIFICATION OF CONSTITUTIONAL AMENDMENT. If an amendment to
3 the Wisconsin Constitution is approved that requires the legislature to provide for
4 temporary succession to the powers and duties of public offices for the period of an
5 emergency resulting from a cause other than an enemy action, within 30 days after
6 the government accountability board records the approval under s. 7.70 (3) (h), notify
7 the legislature that the amendment has been approved.

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

10 16.61 (3) (d) (intro.) Shall establish a system for the protection and
11 preservation of essential public records as ~~directed by s. 166.10.~~ that are necessary
12 to the continuity of governmental functions in the event of a disaster, as defined in

ASSEMBLY BILL 316

1 s. 323.02 (6), or the imminent threat of a disaster, and in establishing the system
2 shall do all of the following:

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

4 17.025 (4) (c) *Secretary of state; state treasurer.* When the temporary vacancy
5 exists in the office of secretary of state or in the office of state treasurer, the duties
6 of the office shall be assumed, respectively, by the first emergency interim successor
7 designated under s. ~~166.08 (4)~~ 323.53 (2) or, if no such designation has been made for
8 the respective office, then by a deputy appointed by the governor.

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

10 20.370 (3) (ma) *General program operations — state funds.* From the general
11 fund, the amounts in the schedule for regulatory and enforcement operations under
12 chs. 30, 31 and 280 to 299 and ss. 44.47, 59.692, 59.693, 61.351, 61.354, 62.231,
13 62.234 and 87.30, for reimbursement of the conservation fund for expenses incurred
14 for actions taken under s. ~~166.04~~ 323.12 (2) (c); for review of environmental impact
15 requirements under ss. 1.11 and 23.40; and for enforcement of the treaty-based,
16 off-reservation rights to fish, hunt and gather held by members of federally
17 recognized American Indian tribes or bands.

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

19 20.370 (3) (mu) *General program operations — state funds.* The amounts in
20 the schedule for law enforcement operations under ss. 23.09 to 23.11, 90.21, and
21 ~~166.04~~ 323.12 (2) (c) and chs. 29, 30, and 169 and for review of environmental impact
22 requirements under ss. 1.11 and 23.40.

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

24 20.465 (1) (h) *Intergovernmental services.* The amounts in the schedule to
25 provide services to local units of government for fire, crash and rescue emergencies

ASSEMBLY BILL 316**SECTION 6**

1 and to provide assistance under s. ~~166.30~~ 323.80. All moneys received from local
2 units of government for services provided for fire, crash, and rescue emergencies and
3 as reimbursement from other states and territories for any losses, damages, or
4 expenses incurred when units or members of the Wisconsin national guard are
5 activated in state status to provide assistance under s. ~~166.30~~ 323.80 shall be
6 credited to this appropriation.

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

8 20.465 (3) (b) *Major State disaster assistance.* The amounts in the schedule to
9 provide payments under s. ~~166.03 (2) (b) 9.~~ 323.31 for damages and costs incurred
10 as the result of a ~~major~~ disaster.

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

12 20.465 (3) (dd) *Regional emergency response teams.* The amounts in the
13 schedule for payments to regional emergency response teams under s. ~~166.215 (1)~~
14 323.70 (2).

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

16 20.465 (3) (dp) *Emergency response equipment.* The amounts in the schedule
17 for grants for the costs of computers and emergency response equipment under s.
18 ~~166.21~~ 323.61 (2) (br).

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

20 20.465 (3) (dr) *Emergency response supplement.* As a continuing
21 appropriation, the amounts in the schedule to be used for response costs of a regional
22 emergency response team that are not reimbursed under s. ~~166.215 (2) or (3)~~ 323.70
23 (3) or (4) and for response costs of a local agency that are not reimbursed under s.
24 ~~166.22~~ 323.71 (4).

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

ASSEMBLY BILL 316

1 20.465 (3) (e) *Disaster recovery aid; public health emergency quarantine costs.*
2 A sum sufficient to pay the state share of grants to individuals, to make payments
3 to local governments as defined in 42 USC 5122 (6) under federal disaster recovery
4 programs as authorized in s. ~~166.03 (2) (b) 8.~~ 323.30, and to reimburse local health
5 departments under s. 252.06 (10) (c) 2.

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

7 20.465 (3) (f) *Civil air patrol aids.* The amounts in the schedule to provide
8 assistance to the civil air patrol under s. ~~166.03 (2) (a) 5.~~ 323.13 (1) (e).

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

10 20.465 (3) (g) *Program services.* The amounts in the schedule for conferences,
11 training and other services provided by the division of emergency management and
12 for expenses incurred under s. ~~166.03 (2) (b) 6. and 7.~~ 323.13 (2) (f) and (g). All moneys
13 received for conferences, training and other services provided by the division of
14 emergency management shall be credited to this appropriation. All moneys received
15 from assessments and contributions under s. ~~166.03 (2) (b) 6. and 7.~~ 323.13 (2) (f) and
16 (g) shall be credited to this appropriation.

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

18 20.465 (3) (h) *Interstate emergency assistance.* The amounts in the schedule
19 to provide assistance under s. ~~166.30~~ 323.80. All moneys received under s. ~~166.30~~
20 323.80 (9) as reimbursement from other states and territories for any losses,
21 damages, or expenses incurred when the division of emergency management
22 provides assistance under s. ~~166.30~~ 323.80 shall be credited to this appropriation
23 account.

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

ASSEMBLY BILL 316**SECTION 15**

1 20.465 (3) (i) *Emergency planning and reporting; administration.* From the
2 moneys received by the division of emergency management from fees assessed under
3 s. ~~166.20~~ 323.60 (7), the amounts in the schedule for emergency planning,
4 notification and response and reporting activities under s. ~~166.20~~ 323.60 and
5 administration of the grant program under s. ~~166.21~~ 323.61.

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

7 20.465 (3) (jm) *Division of emergency management; emergency planning*
8 *grants.* All moneys received by the division of emergency management from fees
9 assessed under s. ~~166.20~~ 323.60 (7), except moneys appropriated under par. (i) for the
10 payment of grants under s. ~~166.21~~ 323.61, except grants under s. ~~166.21 (2) (b) (r)~~
11 323.61 (2) (br).

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

13 20.465 (3) (jt) *Regional emergency response reimbursement.* All moneys
14 received by the division of emergency management under s. ~~166.215 (3)~~ 323.70 (4)
15 for reimbursement of regional emergency response teams under s. ~~166.215 (2)~~ 323.70
16 (3).

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

18 20.465 (3) (r) *Division of emergency management; petroleum inspection fund.*
19 From the petroleum inspection fund, the amounts in the schedule for the payment
20 of emergency planning grants under s. ~~166.21~~ 323.61.

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

22 20.465 (3) (s) *Major State disaster assistance; petroleum inspection fund.* From
23 the petroleum inspection fund, as a continuing appropriation, the amounts in the
24 schedule to provide payments for damages and costs incurred as the result of a major
25 disaster.

ASSEMBLY BILL 316

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

2 23.114 (1) (c) Paragraph (b) does not apply to a state of emergency declared by
3 the governor under s. ~~166.03~~ 323.10 and does not supersede the authority of the
4 department of agriculture, trade and consumer protection under ch. 94.

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

6 50.36 (3d) (a) 1. The health care provider seeks to provide care at the hospital
7 during a period of a state of emergency related to public health declared by the
8 governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

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

10 50.36 (3d) (a) 2. The health care provider does not have staff privileges at the
11 hospital at the time that the state of emergency related to public health is declared
12 by the governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

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

14 50.36 (6) (a) The secretary or his or her designee may grant a variance to a
15 statute affecting hospitals or a rule of the department affecting hospitals if all of the
16 following apply:

17 1. The secretary or his her designee determines that disaster, as defined in s.
18 323.02 (6), has occurred.

19 2. A hospital has requested the variance.

20 3. The secretary or his her designee determines that the variance is necessary
21 to protect the public health, safety, or welfare.

22 (b) A variance granted under par. (a) shall be for a stated term not to exceed
23 90 days, except that the secretary or his her designee may extend the variance upon
24 request by the hospital if he or she determines that an extension is necessary to
25 protect the public health, safety, or welfare.

ASSEMBLY BILL 316**SECTION 24**

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

2 59.54 (8) (a) 1. Create a local emergency planning committee, with members
3 as specified in 42 USC 11001 (c), which shall have the powers and the duties
4 established for such committees under 42 USC 11000 to 11050 and under ss. ~~166.20~~
5 323.60 and ~~166.21~~ 323.61.

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

7 59.54 (8) (a) 3. Within the availability of state funds, take all actions that are
8 necessary to ensure that the committee created under this paragraph properly
9 executes the duties of a local emergency planning committee under 42 USC 11000
10 to 11050 and under ss. ~~166.20~~ 323.60 and ~~166.21~~ 323.61.

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

12 59.54 (8) (b) 2. Implement programs and undertake activities which are
13 designed to prepare the county to cope with emergencies involving the accidental
14 release of hazardous substances and which are consistent with, but in addition to,
15 the minimum requirements of s. ~~166.20~~ 323.60 and 42 USC 11000 to 11050.

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

17 60.23 (20) DISPOSITION OF DEAD ANIMALS. Notwithstanding ss. s. 59.54 (21) and
18 ~~95.50 (3)~~, dispose of any dead animal within the town or contract for the removal and
19 disposition with any private disposal facility. A town may enter into a contract with
20 any other governmental unit under s. 66.0301 to provide for the removal and
21 disposition. A town may recover its costs under this subsection by imposing a special
22 charge under s. 66.0627.

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

24 60.24 (1) (e) 3. Obtain necessary assistance, if available, in case of emergency,
25 except as provided under ch. ~~166~~ 323.

ASSEMBLY BILL 316

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

2 66.0312 (3) This section does not apply during a state of emergency declared
3 by the governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

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

5 66.03125 (3) This section does not apply during a state of emergency declared
6 by the governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

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

8 66.0314 (1) (a) “Emergency management program” means the emergency
9 management program of a city, village, town, or county, under s. ~~166.03 (4) (a)~~ 323.14
10 (1).

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

12 66.0314 (2) (a) If the governor declares a state of emergency under s. ~~166.03~~
13 ~~(1) (b) 1.~~ 323.10, upon the request of a city, village, town, or county, or a person acting
14 under an incident command system, the personnel of any emergency management
15 program, emergency medical services program, fire department, or local health
16 department may assist the requester within the requester’s jurisdiction,
17 notwithstanding any other jurisdictional provision.

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

19 66.0314 (2) (b) 1. The responding agency meets the personnel and equipment
20 requirements in the state plan under s. ~~166.03 (2) (a) 1.~~ 323.13 (1) (b).

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

22 94.77 (1) Any person who violates any provision of this chapter for which a
23 specific penalty is not prescribed ~~shall, or an order issued or rule promulgated under~~
24 such a provision, may be fined not to exceed \$200 more than \$1,000 for the first
25 offense and may be fined not less than \$500 nor more than \$5,000 or imprisoned in

ASSEMBLY BILL 316**SECTION 34**

1 ~~the county jail not to exceed~~ for not more than 6 months or both for each subsequent
2 offense.

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

4 94.77 (2) In lieu of the criminal penalty under sub. (1), a person who violates
5 any provision of this chapter for which a specific penalty is not prescribed, or an order
6 issued or rule promulgated under such a provision, may be required to forfeit not less
7 than \$200 nor more than \$5,000 or, for an offense committed within 5 years of an
8 offense for which a penalty has been assessed under this section, may be required to
9 forfeit not less than \$400 nor more than \$10,000.

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

11 94.77 (3) The department may seek an injunction restraining any person from
12 violating this chapter or a rule promulgated under this chapter.

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

14 **95.50 Transportation and disposal of animal carcasses. (1) DEFINITIONS.**

15 In this section:

16 (a) “Carcass” means the dead body, or any part of the dead body, of a livestock
17 animal or other domestic animal.

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

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

23 1. Infected with a contagious or infectious disease.

24 2. Potentially infected with a contagious or infectious disease, based on known
25 exposure to a contagious or infectious disease.

ASSEMBLY BILL 316

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

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

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

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

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

12 **(3) TIMELY DISPOSITION OF CARCASSES.** No person who owns or controls a carcass,
13 or who owns or controls the land on which a carcass is located, may leave the carcass
14 exposed to access by dogs or wild animals for more than 24 hours during the months
15 of April to November or for more than 48 hours during the months of December to
16 March if the person knows or reasonably should know that the carcass is exposed.

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

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

21 101.985 (2) (c) *Emergency licensing.* If the governor declares that a state of
22 emergency exists in this state under s. ~~166.03 (1) (b) 1.~~ 323.10 and the department
23 determines that the number of individuals in the state who hold elevator mechanic’s
24 licenses issued by the department under this section on the date of the declaration
25 is insufficient to cope with the emergency, the department shall summarily issue an

ASSEMBLY BILL 316**SECTION 38**

1 emergency elevator mechanic's license to any individual who is certified by an
2 elevator contractor licensed under this subchapter as adequately qualified and able
3 to perform the work of an elevator mechanic without direct and immediate
4 supervision, who the department determines is so qualified and able, and who
5 applies for an emergency elevator mechanic's license on a form prescribed by the
6 department. An individual certified by a contractor under this ~~subdivision~~
7 paragraph may perform work as an elevator mechanic for up to a total of 5 days
8 preceding the date the individual is issued the license. An emergency elevator
9 mechanic's license has a term of 30 days and may be renewed by the department in
10 the case of a continuing emergency. The department shall specify on an emergency
11 elevator mechanic's license the geographic area in which the licensee may provide
12 services under the license. The requirements under par. (a) do not apply to an
13 individual who applies for an emergency elevator mechanic's license.

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

15 102.07 (7m) An employee, volunteer, or member of an emergency management
16 ~~unit program~~ is considered an employee for purposes of this chapter as provided in
17 s. ~~166.03 (8) (d)~~ 323.40, a member of a regional emergency response team who is
18 acting under a contract under s. ~~166.215 (1)~~ 323.70 (2) is considered an employee of
19 the state for purposes of this chapter as provided in s. ~~166.215 (4)~~ 323.70 (5), and a
20 ~~behavioral health provider, health care provider, pupil services provider, or~~
21 ~~substance abuse prevention provider who is providing volunteer, unpaid behavioral~~
22 ~~health services, health care services, pupil services, or substance abuse prevention~~
23 ~~services on behalf of a health care facility during a state of emergency~~ practitioner
24 is considered an employee of the state for purposes of this chapter as provided in s.
25 ~~250.042 (4) (b)~~ 257.03.

ASSEMBLY BILL 316

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

2 102.29 (10) ~~No behavioral health provider, health care provider, pupil services~~
3 ~~provider, or substance abuse prevention provider~~ A practitioner who, under s.
4 250.042 (4) (b) 257.03, is considered ~~to be~~ an employee of the state for purposes of
5 worker's compensation coverage while providing ~~volunteer, unpaid behavioral~~
6 ~~health services, health care services, pupil services, or substance abuse prevention~~
7 ~~services on behalf of a health care facility, the department of health services, or a local~~
8 ~~health department~~ during a state of emergency and who makes a claim for
9 compensation under this chapter may not make a claim or ~~bring~~ maintain an action
10 in tort against the health care facility, department, or local health department that
11 accepted those services.

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

13 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement
14 officer, correctional officer, fire fighter, rescue squad member, diving team member,
15 national guard member or state defense force member on state active duty as
16 described in s. 102.07 (9) or if a deceased person is an employee or volunteer
17 performing emergency management activities under ch. ~~166~~ 323 during a state of
18 emergency or a circumstance described in s. ~~166.04~~ 323.12 (2) (c), who sustained an
19 accidental injury while performing services growing out of and incidental to that
20 employment or volunteer activity so that benefits are payable under s. 102.46 or
21 102.47 (1), the department shall voucher and pay from the appropriation under s.
22 20.445 (1) (aa) a sum equal to 75% of the primary death benefit as of the date of death,
23 but not less than \$50,000 to the persons wholly dependent upon the deceased. For
24 purposes of this subsection, dependency shall be determined under ss. 102.49 and
25 102.51.

ASSEMBLY BILL 316

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

2 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
3 chs. ~~166~~, 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b),
4 167.31 (2) (b) to (d) and 287.81 and ch. 350 where applicable to highways, or orders
5 or rules issued pursuant thereto.

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

7 115.01 (10) (a) 2. Days on which school is closed by order of a local health officer,
8 as defined in s. 250.01 (5), or the department of health services.

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

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

INSERT AA 3-1 ✓

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

14 115.812 (3) (b) 1. In this paragraph, “public agency” has the meaning given in
15 s. ~~166.20~~ 323.60 (1) (i), except that it excludes a local educational agency.

INSERT AA 1-2 ✓

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

17 157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3),
18 (3m), and (4), 979.02, and 979.10, and subch. VI of ch. 440, during a period of a state
19 of emergency related to public health declared by the governor under s. ~~166.03~~ (1) (b)
20 ~~1.~~ 323.10, a public health authority may do all of the following:

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

22 165.25 (6) (b) Volunteer health care providers who provide services under s.
23 146.89 ~~or 250.042 (4), volunteer behavioral health providers, pupil services~~
24 ~~providers, and substance abuse prevention providers, practitioners~~ who provide
25 services under s. ~~250.042 (4)~~ 257.03, and health care facilities on whose behalf

ASSEMBLY BILL 316

1 services are provided under s. ~~250.042 (4)~~ 257.03 are, for the provision of those
2 services, covered by this section and shall be considered agents of the department of
3 health services for purposes of determining which agency head may request the
4 attorney general to appear and defend them.

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

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

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

9 323.01 (1) To prepare the state and its subdivisions to cope with emergencies
10 resulting from ~~enemy action and natural or man-made disasters~~ a disaster, or the
11 imminent threat of a disaster, it is declared to be necessary to establish an
12 organization for emergency management, conferring upon the governor and others
13 specified the powers and duties provided by this chapter.

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

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

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

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

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

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

21 323.02 (5) “Chemical agent” means a substance that has chemical properties
22 that produce lethal or serious effects in humans, plants or animals, or other living
23 organisms.

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

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

ASSEMBLY BILL 316**SECTION 59**

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

3 323.02 (8) “Emergency management” ~~includes “civil defense” and~~ means all
4 measures undertaken by or on behalf of the state and its subdivisions to do any of
5 the following:

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

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

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

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

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

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

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

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

19 323.02 (18) “Radiological agent” means radiation or radioactive material at a
20 level that is dangerous to ~~human health~~ humans, animals, plants, or other living
21 organisms.

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

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

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

ASSEMBLY BILL 316

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

3 323.12 (1) (b) Review state emergency management plans and modifications
4 thereof to the plans.

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

7 323.12 (3) DUTIES DURING AN EMERGENCY. ~~Employ the division of emergency~~
8 ~~management during a state of emergency proclaimed by him or her, During a state~~
9 ~~of emergency declared under s. 323.10, the governor shall issue orders and, delegate~~
10 such authority as is ~~deemed~~ necessary to the administrator, and direct the division
11 to coordinate emergency management activities.

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

14 323.12 (1) (c) Determine responsibilities of state departments and independent
15 agencies ~~in~~ with respect to emergency management and by order direct ~~such~~ those
16 departments and agencies in utilizing personnel, facilities, supplies, and equipment
17 before and during a state of emergency.

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

20 **323.10 Declaration by governor.** The governor may: ~~1. Proclaim~~ issue an
21 executive order declaring a state of emergency for the state or any portion of the state
22 if he or she determines that an emergency resulting from ~~enemy action or natural~~
23 ~~or man-made~~ a disaster or the imminent threat of a disaster exists. If the governor
24 determines that a public health emergency exists, he or she may ~~declare~~ issue an
25 executive order declaring a state of emergency related to public health for the state

ASSEMBLY BILL 316**SECTION 72**

1 or any portion of the state and may designate the department of health services as
2 the lead state agency to respond to that emergency. ~~The duration of such~~ If the
3 governor determines that the emergency is related to computer or
4 telecommunication systems, he or she may designate the department of
5 administration as the lead agency to respond to that emergency. A state of
6 emergency shall not exceed 60 days ~~as to emergencies resulting from enemy action~~
7 ~~or 30 days as to emergencies resulting from natural or man-made disaster,~~ unless
8 either the state of emergency is extended by joint resolution of the legislature. A copy
9 of the ~~proclamation~~ executive order shall be filed with the secretary of state. The
10 ~~proclamation~~ executive order may be revoked at the discretion of either the governor
11 by ~~written~~ executive order or the legislature by joint resolution.

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

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

15 323.12 (2) (b) Accept from any source gifts and grants including services for
16 emergency management purposes and may authorize the state, county, town and
17 municipal officers and local units of government to receive such gifts and grants.
18 When grants require ~~county, town or municipal~~ participation by a local unit of
19 government, the state may transfer title to equipment acquired through such an
20 agreement to between participating counties, towns and municipalities local units
21 of government.

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

24 323.12 (4) (a) ~~During a state of emergency, declare~~ Declare priority of
25 emergency management contracts over other contracts, allocate materials and

ASSEMBLY BILL 316

1 facilities in his or her discretion, and take, use, and destroy, in the name of the state,
2 private property for emergency management purposes. ~~Such taking, use or~~
3 ~~destruction shall be in the name of the state. Records~~ The governor shall be kept keep
4 records of such that action and ~~such.~~ Those records shall be evidence of a claim
5 against the state. ~~Any such~~ The claim against the state shall be referred to the claims
6 board under s. 16.007.

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

9 323.12 (4) (b) ~~During a state of emergency, issue~~ Issue such orders as he or she
10 deems necessary for the security of persons and property.

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

13 323.12 (4) (c) ~~During a state of emergency, contract~~ Contract on behalf of the
14 state with any person to provide, on a cost basis, equipment and services ~~on a cost~~
15 ~~basis to be used in to respond to a disaster relief or the imminent threat of a disaster.~~

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

18 323.12 (4) (d) ~~During a state of emergency related to public health, suspend~~
19 Suspend the provisions of any administrative rule if the strict compliance with that
20 rule would prevent, hinder, or delay necessary actions to respond to the ~~emergency~~
21 ~~and increase the health threat to the population~~ disaster.

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

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

25 323.13 (1) (intro.) The adjutant general shall do all of the following:

ASSEMBLY BILL 316**SECTION 81**

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

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

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

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

ASSEMBLY BILL 316

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 95**

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 100**

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 105**

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316

SECTION 112

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

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

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

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

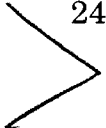
9 **SECTION 115.** 166.03 (8) (a) to (c) of the statutes are renumbered 323.25 (1) to
10 (3) and amended to read:

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

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

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

← INSERT AAI-3 ✓



ASSEMBLY BILL 316

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 117**

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 122**

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 127**

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 137**

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

ASSEMBLY BILL 316**SECTION 141**

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

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

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

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

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