

ASSEMBLY BILL 316

Enrolling
Cont.

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 147**

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 156**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 175**

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 186**

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

ASSEMBLY BILL 316

SECTION 195

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 201**

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 316**SECTION 211**

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

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

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

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

10 323.61 **(3)** (c) Notwithstanding sub. (2), the division shall deny that portion of
11 a grant calculated under par. (a) 2. if the division determines that the committee has
12 failed to meet grant obligations, including the development, review, exercise or
13 implementation of local emergency response plans as required under s. ~~166.20~~
14 323.60 or the federal act.

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

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

18 323.70 **(2)** ~~Beginning July 1, 2001, the~~ The division shall contract with no more
19 than 9 regional emergency response teams, one of which shall be located in La Crosse
20 County. Each regional emergency response team shall assist in the emergency
21 response to level A releases in a region of this state designated by the division. The
22 division shall contract with at least one regional emergency response team in each
23 area designated under s. ~~166.03 (2) (b) 1.~~ 323.13 (2) (a). The division may only
24 contract with a local agency, as defined in s. ~~166.22 (1) (e),~~ under this subsection. A
25 member of a regional emergency response team shall meet the highest standards for

ASSEMBLY BILL 316

1 a hazardous materials responder in 29 CFR 1910.120 (q) (6) (iv) and National Fire
2 Protection Association standards NFPA 471 and 472. Regional emergency response
3 teams shall have at least one member that is trained in each of the appropriate
4 specialty areas under National Fire Protection Association standard NFPA 472.
5 Payments to regional emergency response teams under this subsection shall be made
6 from the appropriation account under s. 20.465 (3) (dd).

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

9 323.70 (3) The division shall reimburse a regional emergency response team
10 for costs incurred by the team in responding to an emergency involving a level A
11 release, or a potential level A release, if the team followed the procedures in the rules
12 promulgated under ~~s. 166.20 (2) (bs) 1.~~ sub. (7) (b) to determine if an emergency
13 requiring a response existed. Reimbursement under this subsection is limited to
14 amounts collected under sub. (3) (4) and the amounts appropriated under s. 20.465
15 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the regional
16 emergency response team has made a good faith effort to identify the person
17 responsible under sub. (3) (4) and that person cannot be identified, or, if that person
18 is identified, the team has received reimbursement from that person to the extent
19 that the person is financially able or has determined that the person does not have
20 adequate money or other resources to reimburse the regional emergency response
21 team.

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

24 323.70 (4) (intro.) A person shall reimburse the division for costs incurred by
25 a regional emergency response team in responding to an emergency involving a level

ASSEMBLY BILL 316**SECTION 217**

1 A release or a potential level A release if the team followed the procedures
2 established under s. ~~166.20 (2) (bs) 1.~~ sub. (7) (b) to determine if an emergency
3 requiring the team's response existed and if any of the following conditions applies:

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

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

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

8 323.70 (5) A member of a regional emergency response team who is acting
9 under a contract under sub. ~~(1) (2)~~ is considered an employee of the state for purposes
10 of worker's compensation benefits.

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

13 323.70 (6) The division shall notify the joint committee on finance in writing,
14 before entering into a new contractual agreement under sub. ~~(1) (2)~~ or renewing or
15 extending a contractual agreement under sub. ~~(1) (2)~~, of the specific funding
16 commitment involved in that proposed new, renewed or extended contract. The
17 division shall include in that notification information regarding any anticipated
18 contractual provisions that involve state fiscal commitments for each fiscal year in
19 the proposed new, renewed or extended contract. The division may enter into a new
20 contractual agreement or renew or extend a contractual agreement, as proposed in
21 the notification to the joint committee on finance, if within 14 working days after
22 notification the committee does not schedule a meeting to review the division's
23 proposed action. If, within 14 working days after notification to the joint committee
24 on finance, the committee notifies the division that the committee has scheduled a
25 meeting to review the division's proposed action, the division may enter into the

ASSEMBLY BILL 316

1 proposed new contact or renew or extend the contract as proposed only if the
2 committee approves that action.

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

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

6 323.70 (1) (intro.) In this ~~section~~ subchapter:

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

9 323.70 (1) (c) “Local emergency response team” means a team that the
10 committee identifies under s. ~~166.21~~ 323.61 (2m) (e).

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

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

14 323.71 (2) If action required under sub. ~~(2)~~ (1) is not being adequately taken
15 or the identity of the person responsible for an emergency involving a release or
16 potential release of a hazardous substance is unknown and the emergency involving
17 a release or potential release threatens public health or safety or damage to property,
18 a local agency may take any emergency action that is consistent with the contingency
19 plan for the undertaking of emergency actions in response to the release or potential
20 release of hazardous substances established by the department of natural resources
21 under s. 292.11 (5) and that it considers appropriate under the circumstances.

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

24 323.71 (3) The division shall reimburse a local emergency response team for
25 costs incurred by the team in responding to an emergency involving a hazardous

ASSEMBLY BILL 316**SECTION 227**

1 substance release, or potential release, if the team followed the procedures in the
2 rules promulgated under s. ~~166.20 (2) (bs) 2.~~ 323.70 (7) (c) to determine if an
3 emergency requiring the team's response existed. Reimbursement under this
4 subsection is limited to the amount appropriated under s. 20.465 (3) (dr).
5 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency
6 response team has made a good faith effort to identify the person responsible under
7 sub. (4) and that person cannot be identified, or, if that person is identified, the team
8 has received reimbursement from that person to the extent that the person is
9 financially able or has determined that the person does not have adequate money or
10 other resources to reimburse the local emergency response team.

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

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

14 323.71 (4) (b) A local emergency response team may receive reimbursement
15 under par. (a) only if the team followed the procedures established under s. ~~166.20~~
16 ~~(2) (bs) 2.~~ 323.70 (7) (c) to determine if an emergency requiring the team's response
17 existed.

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

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

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

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

23 **323.11 Declaration by local government.** ~~Notwithstanding any other~~
24 ~~provision of law to the contrary, the~~ The governing body of any county, city, village,
25 ~~or town is empowered to~~ local unit of government may declare, by ordinance or

ASSEMBLY BILL 316

1 resolution, an emergency existing within the ~~county, city, village, or town~~ local unit
2 of government whenever conditions arise by reason of ~~war, conflagration, flood,~~
3 ~~heavy snow storm, blizzard, catastrophe, disaster, a riot or civil commotion, acts of~~
4 ~~God, and including conditions, without limitation because of enumeration, which~~
5 ~~impair a disaster, or an imminent threat of a disaster, that impairs~~ transportation,
6 food or fuel supplies, medical care, fire, health or police protection, or other ~~vital~~
7 ~~facilities~~ critical systems of the ~~county, city, village, or town~~ local unit of government.

8 The period of the emergency shall be limited by the ordinance or resolution to the
9 time during which the emergency conditions exist or are likely to exist.

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

12 323.14 (4) (a) The emergency power of the governing body conferred under sub.
13 (1) ~~s. 323.11~~ includes the general authority to order, by ordinance or resolution,
14 whatever is necessary and expedient for the health, safety, protection, and welfare
15 ~~and good order of the county, city, village, or town~~ persons and property within the
16 local unit of government in the emergency and includes ~~without limitation because~~
17 ~~of enumeration~~ the power to bar, restrict, or remove all unnecessary traffic, both
18 vehicular and pedestrian, from the ~~local~~ highways, notwithstanding any provision
19 of chs. 341 to 349 ~~or any other provisions of law. The governing body of the county,~~
20 ~~city, village, or town may provide penalties for violation of any emergency ordinance~~
21 ~~or resolution not to exceed a \$100 forfeiture or, in default of payment of the forfeiture,~~
22 ~~6 months' imprisonment for each separate offense.~~

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

ASSEMBLY BILL 316**SECTION 235**

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

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

9 323.14 (4) (b) If, because of the emergency conditions, the governing body of the
10 ~~county, city, village, or town~~ local unit of government is unable to meet with
11 ~~promptness~~ promptly, the chief executive officer or acting chief executive officer of
12 any ~~county, city, village, or town~~ local unit of government shall exercise by
13 proclamation all of the powers conferred upon the governing body under ~~sub. (1) or~~
14 ~~(2) which within the discretion of the officer~~ par. (a) or s. 323.11 that appear necessary
15 and expedient ~~for the purposes herein set forth~~. The proclamation shall be subject
16 to ratification, alteration, modification, or repeal by the governing body as soon as
17 that body can meet, but the subsequent action taken by the governing body shall not
18 affect the prior validity of the proclamation.

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

21 **323.24 Prohibition against restricting firearms or ammunition during**
22 **emergency.** A person who is granted emergency powers under s. ~~166.03 or 166.23~~
23 this subchapter may not use those powers to restrict the lawful possession, transfer,
24 sale, transport, storage, display, or use of firearms or ammunition during an
25 emergency.

ASSEMBLY BILL 316

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

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

3 **250.01 Definitions.** (intro.) In chs. 250 to ~~256~~ 257, unless the context requires
4 otherwise:

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

6 250.01 (6g) “Public health authority” means the department, if the governor
7 declares under s. ~~166.03 (1) (b) 1.~~ 323.10 a state of emergency related to public health
8 and designates the department as the lead state agency to respond to that
9 emergency.

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

11 250.01 (6r) “Public health emergency” has the meaning given in s. ~~166.02 (7)~~
12 323.02 (16).

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

14 250.03 (3) (a) (intro.) No later than 90 days after a state of emergency relating
15 to public health is declared and the department is designated under s. ~~166.03 (1) (b)~~
16 ~~1.~~ 323.10 as the lead state agency to respond to that emergency and no later than 90
17 days after the termination of this state of emergency relating to public health, the
18 department shall submit to the legislature under s. 13.172 (2) and to the governor
19 a report on all of the following:

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

21 250.042 (1) If the governor declares a state of emergency related to public
22 health under s. ~~166.03 (1) (b) 1.~~ 323.10 and designates the department as the lead
23 state agency to respond to that emergency, the department shall act as the public
24 health authority during the period of the state of emergency. The department shall
25 ensure that the emergency operations during the state of emergency are conducted

ASSEMBLY BILL 316

SECTION 243

1 using the incident command system required under s. ~~166.03 (2) (a) 1.~~ 323.13 (1) (b).

2 During the period of the state of emergency, the secretary may designate a local
3 health department as an agent of the department and confer upon the local health
4 department, acting under that agency, the powers and duties of the public health
5 authority.

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

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

9 257.01 (1) (intro.) “Behavioral health provider” means ~~an~~ any of the following:

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

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

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

18 257.01 (5) (intro.) “Health care provider” means ~~an~~ any of the following:

19 (a) An individual who, at any time within 10 years before a state of emergency
20 is declared under s. 166.03 (1) (b) 1. or 166.23, has met requirements for a nurse aide
21 under s. 146.40 (2) (a), (c), (e), (em), or (g), has been is licensed as a physician, a
22 physician assistant, or a podiatrist under ch. 448, licensed as a registered nurse,
23 licensed practical nurse, or nurse-midwife under ch. 441, licensed as a dentist under
24 ch. 447, licensed as a pharmacist under ch. 450, ~~licensed as a veterinarian under ch.~~

25 ~~453,~~ or has been certified as a respiratory care practitioner under ch. 448.

24
25

~~453~~

INSERT AA1-5 ✓

INSERT AA1-4 ✓

ASSEMBLY BILL 316

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

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

4 257.01 (9) (intro.) “Pupil services provider” means ~~an~~ any of the following:

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

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

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

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

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

20 257.03 (1) (intro.) ~~A behavioral health provider, health care provider, pupil~~
21 ~~services provider, or substance abuse prevention provider~~ Except as provided in sub.
22 (3), a practitioner who, during a state of emergency declared under s. 166.03 (1) (b)
23 1. or 166.23 and in a geographic area in which the state of emergency applies,
24 ~~provides behavioral health services, health care services, pupil services, or~~
25 ~~substance abuse prevention services for which the behavioral health provider, health~~

ASSEMBLY BILL 316**SECTION 251**

1 ~~care provider, pupil services provider, or substance abuse prevention provider~~
2 individual is or has been licensed or, certified, registered, or, as in the case of a nurse
3 aide, has met requirements under s. 146.40 qualified, is, for any claim arising from
4 the provision of these the services, a state agent of the department for purposes of
5 under ss. 165.25 (6), 893.82, and 895.46 and, except as provided in sub. (2), is
6 considered an employee of the state for purposes of worker's compensation benefits.
7 under ch. 102 if all of the following apply:

8 (a) ~~The behavioral health services, health care services, pupil services, or~~
9 ~~substance abuse prevention services shall be~~ are provided on behalf of a health care
10 facility or mass clinic ~~on a voluntary, unpaid basis, except that the behavioral health~~
11 ~~provider, health care provider, pupil services provider, or substance abuse~~
12 ~~prevention provider may accept reimbursement for travel, lodging, and meals. The~~
13 ~~health care facility on whose behalf the services are provided is, for the provision of~~
14 ~~the services, a state agent of the department for purposes of ss. 165.25 (6), 893.82,~~
15 ~~and 895.46, or at the request of the department or a local health department.~~

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

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

18 252.06 (10) (c) All expenses incurred by a local health department, or by an
19 entity designated as a local health department by a federally recognized American
20 Indian tribe or band in this state, in quarantining a person outside his or her home
21 during a state of emergency related to public health declared by the governor under
22 s. ~~166.03 (1) (b) 1.~~ 323.10 and not reimbursed from federal funds shall be paid for
23 under either of the following, as appropriate:

24 1. If the governor designates the department as the lead state agency under s.
25 ~~166.03 (1) (b) 1.~~ 323.10, from the appropriation under s. 20.435 (1) (c).

ASSEMBLY BILL 316

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

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

4 254.34 (1) (am) A rule identical to a rule specified under par. (a) may be
5 promulgated by a state agency other than the department and an ordinance identical
6 to a rule specified under par. (a) may be enacted by a local governmental unit, but
7 no rule may be promulgated or ordinance may be enacted that differs from a rule
8 under par. (a) and relates to the same subject area except as provided under ss.
9 ~~166.03 (2) (b) 6.,~~ 293.15 (8) ~~and,~~ 293.25, ~~and~~ 323.13 (2) (f).

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

11 256.08 (4) (i) Provide advice to the adjutant general of the department of
12 military affairs on the emergency medical aspects of the state plan of emergency
13 management under s. ~~166.03 (2) (a) 1.~~ 323.13 (1) (b) and coordinate emergency
14 activities with the department of military affairs.

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

16 256.15 (2) LICENSE OR CERTIFICATE REQUIRED. ~~No~~ Except when acting under s.
17 257.03, ~~no~~ person may act as or advertise for the provision of services as an
18 ambulance service provider unless the person holds an ambulance service provider
19 license issued under this section. ~~No~~ Except when acting under s. 257.03, ~~no~~
20 individual may act as or advertise for the provision of services as an emergency
21 medical technician unless he or she holds an emergency medical technician license
22 or training permit issued under sub. (5). ~~No~~ Except when acting under s. 257.03, ~~no~~
23 individual may act as or advertise for the provision of services as a first responder
24 unless he or she holds a first responder certificate issued under sub. (8).

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

ASSEMBLY BILL 316

CHAPTER 257

EMERGENCY VOLUNTEER HEALTH CARE

PRACTITIONERS

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

257.01 Definitions. (intro.) In this chapter:

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

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

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

INSERT AA2-1

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

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

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

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

(c) An individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the

15

ASSEMBLY BILL 316

1 individual to perform acts that are substantially the same as those acts that an
2 individual under par. (a) is licensed or certified to perform.

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

4 257.01 (3) "Funeral director" means any of the following:

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

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

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

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

14 257.01 (5) (b) An individual who was at any time within the previous 10 years,
15 but is not currently, licensed as a physician, a physician assistant, or a podiatrist
16 under ch. 448, licensed as a registered nurse, licensed practical nurse, or
17 nurse-midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a
18 pharmacist under ch. 450, ~~or certified as a respiratory care practitioner under ch.~~
19 448, if the individual's license or certification was never revoked, limited, suspended,
20 or denied renewal.

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

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

ASSEMBLY BILL 316

SECTION 263

1 257.01 (7) "Nurse aide" means any of the following:

2 (a) An individual who satisfies the requirements for a nurse aide under s.
3 146.40 (2) (a), (c), (e), (em), or (g).

4 (b) An individual who did at any time within the previous 10 years, but does
5 not currently, satisfy the requirements for a nurse aide under s. 146.40 (2) (a), (c), (e),
6 (em), or (g), if the individual's name has never been listed under s. 146.40 (4g) (a) 2.,
7 2005 stats., or s. 146.40 (4g) (a) 2.

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

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

INSERT AA2-2

13 257.01 (8) "Practitioner" means a behavioral health provider, emergency
14 medical services provider, funeral director, health care provider, nurse aide, pupil
15 services provider, ~~substance abuse prevention provider, or veterinary provider.~~

INSERT
AA1-7

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

17 257.01 (9) (b) An individual who was at any time within the previous 10 years,
18 but is not currently, licensed as a school counselor, a school psychologist, or a school
19 social worker under rules promulgated by the department of public instruction, if the
20 individual's license was never revoked, limited, suspended, or denied renewal.

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

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

ASSEMBLY BILL 316

1 257.01 (10) "State of emergency" means a state of emergency declared under
2 s. 323.10 or 323.11 or a federal state of emergency.

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

4 257.01 (11) (b) An individual who was at any time in the previous 10 years, but
5 is not currently, certified as a counselor, supervisor, or specialist described under s.
6 HFS 75.02 (11) and (84), Wis. Adm. Code, in effect on January 20, 2006, or certified
7 as a substance abuse counselor, clinical supervisor, or prevention specialist under s.
8 440.88, if the individual's certification was never revoked, limited, suspended, or
9 denied renewal.

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

14 ~~**SECTION 268.** 257.01 (12) of the statutes is created to read:~~

15 ~~257.01 (12) "Veterinary provider" means any of the following:~~

16 ~~(a) An individual who is licensed as a veterinarian or certified as a veterinary
17 technician under ch. 453.~~

18 ~~(b) An individual who was at any time within the previous 10 years, but is not
19 currently, licensed as a veterinarian or certified as a veterinary technician under ch.
20 453, if the individual's license or certification was never revoked, limited, suspended,
21 or denied renewal.~~

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

AA1-8
1

ASSEMBLY BILL 316**SECTION 269**

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

2 **257.02 Volunteer registry.** The department shall establish and maintain an
3 electronic system that may be used to verify the credentials of and register volunteer
4 practitioners before or during a state of emergency.

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

6 **257.03 (title) Volunteer practitioners indemnified.**

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

8 **257.03 (1) (b)** The health care facility, mass clinic, department, or local health
9 department on whose behalf the practitioner provides the services does not
10 compensate the practitioner for the services, except the health care facility, mass
11 clinic, department, or local health department may reimburse the practitioner for
12 travel, lodging, or meals. The practitioner's employer may compensate the
13 practitioner for the services as long as the employer is not the health care facility,
14 mass clinic, department, or local health department on whose behalf the services are
15 provided.

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

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

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

21 **257.03 (2)** A practitioner who provides services under sub. (1) is not considered
22 an employee of the state for worker's compensation benefits under ch. 102 if the
23 practitioner's employer compensates the practitioner for providing the services.

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

ASSEMBLY BILL 316

1 257.03 (3) A practitioner is not a state agent of the department under ss. 165.25
2 (6), 893.82, and 895.46 if the practitioner’s acts or omissions involve reckless,
3 wanton, or intentional misconduct.

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

5 **257.04 Health care facilities indemnified.** The health care facility on
6 whose behalf services under s. 257.03 are provided is, for the provision of the services,
7 a state agent of the department for purposes of ss. 165.25 (6), 893.82, and 895.46.

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

9 292.11 (12) (b) This section applies to all releases of hazardous substances for
10 which a notification must be made under s. ~~166.20 (5) (a) 2.~~ 323.60 (5) (b).

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

12 321.39 (1) (a) 3. If the governor declares a state of emergency relating to public
13 health under s. ~~166.03 (1) (b)~~ 323.10.

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

15 321.65 (1) (a) 2. Active service with the state laboratory of hygiene under s.
16 36.25 (11) (em) for the purpose of assisting the department of health services under
17 s. 250.042 during a state of emergency relating to public health declared by the
18 governor under s. ~~166.03 (1) (b) 1.~~ 323.10.

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

CHAPTER 323

EMERGENCY MANAGEMENT

20
21
22 **SECTION 279.** Subchapter I (title) of chapter 323 [precedes 323.01] of the
23 statutes is created to read:

CHAPTER 323

24

ASSEMBLY BILL 316**SECTION 279**

SUBCHAPTER I

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 323

ASSEMBLY BILL 316

SUBCHAPTER II

POWERS AND DUTIES RELATED TO

EMERGENCY MANAGEMENT

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

323.12 (title) Governor; duties and powers.

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

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

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

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

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

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

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

323.13 (title) Adjutant general; duties and powers.

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

323.13 (1) (title) ONGOING DUTIES.

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

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

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

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

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

323.14 (1) (title) ONGOING DUTIES.

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

ASSEMBLY BILL 316**SECTION 295**

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

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

5 323.14 (2) (title) ONGOING POWERS.

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

7 323.14 (2) (a) The governing body of a local unit of government may appropriate
8 funds and levy taxes for its emergency management program under sub. (1).

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

10 323.14 (3) (title) DUTIES DURING AN EMERGENCY.

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

12 323.14 (4) (title) POWERS DURING AN EMERGENCY.

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

14 **323.15 (title) Heads of emergency management; duties and powers.**

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

16 323.15 (1) (title) ONGOING DUTIES.

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

18 **323.17 State traffic patrol officers and conservation wardens.** If the
19 governor calls out the state traffic patrol or conservation warden service, or members
20 of the patrol or service, under s. 323.12 (2) (c), the state traffic patrol officers or
21 conservation wardens subject to the call shall have the powers of a law enforcement
22 officer for the duration determined by the governor, except that the officers and
23 wardens may not be used in or take part in any dispute or controversy between an
24 employer and employee concerning wages, hours, labor, or working conditions.

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

ASSEMBLY BILL 316

1 **323.18 State agency volunteers.** A state agency may register or preregister
2 volunteers to assist the agency during a disaster, an imminent threat of a disaster,
3 or a related training exercise.

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

5 **323.19 State official authority to grant variances to statutes and rules**
6 **for a disaster.** (1) The secretary of health services may grant a hospital a variance
7 to a statute or rule affecting hospitals in response to a disaster as provided in s. 50.36
8 (6).

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

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

13 **CHAPTER 323**

14 **SUBCHAPTER III**

15 **DISASTER ASSISTANCE PROGRAMS**

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

18 **CHAPTER 323**

19 **SUBCHAPTER IV**

20 **LIABILITY AND EXEMPTIONS**

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

22 **323.40 Responsibility for worker's compensation.** (1) **EMPLOYEES OF**
23 **LOCAL UNIT OF GOVERNMENT.** An employee of a local unit of government's emergency
24 management program is an employee of that local unit of government for worker's
25 compensation under ch. 102 unless the responsibility to pay worker's compensation

ASSEMBLY BILL 316**SECTION 307**

1 benefits are assigned as provided under s. 66.0313 or under an agreement between
2 the local unit of government and the state or another local unit of government.

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

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

15 (b) This subsection does not apply to an individual's provision of services if s.
16 257.03 applies.

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

19 **323.41 (title) Liability of state or local unit of government. (1) EMPLOYEE**
20 **OF LOCAL UNIT OF GOVERNMENT.** An employee of a local unit of government's emergency
21 management program is an employee of that local unit of government under ss.
22 893.80, 895.35, and 895.46 for purposes of any claim, unless the responsibility
23 related to a claim under ss. 893.80, 895.35, and 895.46 is assigned as provided under
24 s. 66.0313 or under an agreement between the local unit of government and the state
25 or another local unit of government.

ASSEMBLY BILL 316

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

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

14 (b) This subsection does not apply to an individual's provision of services if s.
15 257.03 or 323.45 applies.

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

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

19 **323.42 Reimbursement of local units of government.** (1) In any calendar
20 year, if the amount the local unit of government is liable for under ss. 323.40 and
21 323.41 plus losses incurred under s. 323.43 exceed \$1 per capita of the local unit of
22 government's population, the state shall reimburse the local unit of government the
23 amount of the excess.

24 (2) In addition, the state shall reimburse a local unit of government for any
25 future expenses for worker's compensation and expenses under ss. 893.80, 895.35,

ASSEMBLY BILL 316**SECTION 309**

1 and 895.46 that result from an incident that occurred in a calendar year for which
2 the state reimbursed the local unit of government under sub. (1).

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

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

6 323.45 (4) (a) This section does not apply to a person's provision of services if
7 s. 257.03 or 323.41 applies.

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

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

CHAPTER 323**SUBCHAPTER V****EMERGENCY LOCATION AND****CONTINUITY OF GOVERNMENT**

12
13
14
15
16 **SECTION 312.** 323.50 (1) of the statutes, as affected by 2009 Wisconsin Act
17 (this act), is amended to read:

18 323.50 (1) "Interim successor" means a person designated under this
19 subchapter, if the officer is unavailable as the result of ~~enemy action~~ a disaster or the
20 imminent threat of a disaster, to exercise the powers and discharge the duties of an
21 office until a successor is appointed or elected and qualified as provided by law or
22 until the lawful incumbent is able to resume the exercise of the powers and discharge
23 the duties of the office.

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

ASSEMBLY BILL 316

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

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

12 323.53 (2) (b) (intro.) If, during a state of emergency resulting from ~~enemy~~
13 ~~action~~ a disaster or the imminent threat of a disaster, any state officer is unavailable
14 and his or her deputy, if any, is also unavailable, the powers of his or her office shall
15 be exercised and the duties of his or her office shall be discharged by his or her
16 designated interim successors in the order specified. The interim successor shall
17 exercise the powers and discharge the duties of the office only until any of the
18 following occurs:

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

21 323.54 (1) The governing body of any political subdivision may enact
22 ordinances and resolutions to provide a method by which interim appointments to
23 public office are made during periods of emergency to fill vacancies in offices that
24 result from ~~enemy action~~ a disaster or the imminent threat of a disaster. The
25 ordinances or resolutions shall define the scope of the powers and duties that interim

ASSEMBLY BILL 316

SECTION 315

1 appointees may exercise, and shall provide for termination of the interim
2 appointments.

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

4 **323.55 (title) Interim successors.**

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

7 323.55 (3) PERIOD DURING WHICH AUTHORITY MAY BE EXERCISED. An interim
8 successor to an office may discharge the duties of the office only during the
9 continuance of an emergency resulting from ~~enemy action in the form of an attack~~
10 a disaster or the imminent threat of a disaster. The legislature, by joint resolution,
11 may at any time terminate the authority of an interim successor to exercise the
12 powers and discharge the duties of office provided in this subchapter.

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

CHAPTER 323

SUBCHAPTER VI

EMERGENCY PLANNING

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

CHAPTER 323

SUBCHAPTER VII

EMERGENCY RESPONSE TEAMS

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

CHAPTER 323

25

ASSEMBLY BILL 316

SUBCHAPTER VIII

EMERGENCY MANAGEMENT ASSISTANCE

COMPACT

SECTION 321. 341.04 (intro.) of the statutes is amended to read:

341.04 **Penalty for operating unregistered or improperly registered vehicle.** (intro.) Except during a state of emergency proclaimed under ch. 166 323:

SECTION 322. 440.88 (5) of the statutes is amended to read:

440.88 (5) CERTIFICATION REQUIRED. Except as provided in sub. (3m) and s. ~~250.042 (4) (b)~~ 257.03, no person may represent himself or herself to the public as a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist or use in connection with his or her name a title or description that conveys the impression that he or she is a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist unless he or she is so certified under sub. (2).

SECTION 323. 441.06 (4) of the statutes is amended to read:

441.06 (4) Except as provided in s. ~~250.042 (4) (b)~~ 257.03, no person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is licensed under this section. Except as provided in s. ~~250.042 (4) (b)~~ 257.03, no person not so licensed may use in connection with his or her nursing employment or vocation any title or anything else to indicate that he or she is a trained, certified or graduate nurse. This subsection does not apply to any person who is licensed to practice nursing by a jurisdiction, other than this state, that has adopted the nurse licensure compact under s. 441.50.

ASSEMBLY BILL 316**SECTION 324**

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

2 441.10 (3) (c) No license is required for practical nursing, but, except as
3 provided in s. ~~250.042 (4) (b)~~ 257.03, no person without a license may hold himself
4 or herself out as a licensed practical nurse or licensed attendant, use the title or
5 letters “Trained Practical Nurse” or “T.P.N.”, “Licensed Practical Nurse” or “L.P.N.”,
6 “Licensed Attendant” or “L.A.”, “Trained Attendant” or “T.A.”, or otherwise seek to
7 indicate that he or she is a licensed practical nurse or licensed attendant. No licensed
8 practical nurse or licensed attendant may use the title, or otherwise seek to act as
9 a registered, licensed, graduate or professional nurse. Anyone violating this
10 subsection shall be subject to the penalties prescribed by s. 441.13. The board shall
11 grant without examination a license as a licensed practical nurse to any person who
12 was on July 1, 1949, a licensed attendant. This paragraph does not apply to any
13 person who is licensed to practice practical nursing by a jurisdiction, other than this
14 state, that has adopted the nurse licensure compact under s. 441.50.

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

16 441.15 (2) (intro.) Except as provided in sub. (2m) and s. ~~250.042 (4) (b)~~ 257.03,
17 no person may engage in the practice of nurse–midwifery unless each of the following
18 conditions is satisfied:

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

20 441.15 (5) (a) 5. The provision of services by a nurse–midwife under s. ~~250.042~~
21 ~~(4) (b)~~ 257.03.

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

24 445.04 (2) No Except as provided in s. 257.03, no person may engage in the
25 business of a funeral director, or make a representation as engaged in such business,

ASSEMBLY BILL 316

1 in whole or in part, unless first licensed as a funeral director by the examining board.
2 Application for a license, other than a renewal, shall be in writing and verified on a
3 form to be furnished by the department. The application must specify the address
4 at which the applicant proposes to conduct the business of a funeral director and
5 shall contain such other information as the examining board requires to determine
6 compliance with the requirements of this chapter. Accompanying the application
7 shall be the initial credential fee determined by the department under s. 440.03 (9)
8 (a), together with affidavits of recommendation from at least 2 persons of the county
9 in which the applicant resides or proposes to conduct the business of a funeral
10 director.

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

12 447.03 (1) DENTISTS. (intro.) Except as provided under sub. (3) and s. ~~250.042~~
13 ~~(4) (b) 257.03~~, no person may do any of the following unless he or she is licensed to
14 practice dentistry under this chapter:

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

16 448.03 (2) (p) The provision of services by a health care provider under s.
17 ~~250.042 (4) (b) 257.03~~.

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

19 448.03 (3) (a) (intro.) Except as provided in s. ~~250.042 (4) (b) 257.03~~, no person
20 may use or assume the title “doctor of medicine” or append to the person’s name the
21 letters “M.D.” unless one of the following applies:

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

23 448.03 (3) (b) Except as provided in s. ~~250.042 (4) (b) 257.03~~, no person not
24 possessing the degree of doctor of osteopathy may use or assume the title “doctor of
25 osteopathy” or append to the person’s name the letters “D.O.”.

ASSEMBLY BILL 316**SECTION 332**

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

2 448.03 (3) (e) Except as provided in s. ~~250.042 (4) (b)~~ 257.03, no person may
3 designate himself or herself as a “physician assistant” or use or assume the title
4 “physician assistant” or append to the person’s name the words or letters “physician
5 assistant” or “P.A.” or any other titles, letters or designation which represents or may
6 tend to represent the person as a physician assistant unless he or she is licensed as
7 a physician assistant by the board.

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

9 **448.61 License required.** Except as provided in ss. ~~250.042 (4) (b)~~ 257.03 and
10 448.62, no person may practice podiatry, designate himself or herself as a podiatrist,
11 use or assume the title “doctor of surgical chiropody”, “doctor of podiatry” or “doctor
12 of podiatric medicine”, or append to the person’s name the words or letters “doctor”,
13 “Dr.”, “D.S.C.”, “D.P.M.”, “foot doctor”, “foot specialist” or any other title, letters or
14 designation which represents or may tend to represent the person as a podiatrist
15 unless the person is licensed under this subchapter.

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

17 **448.66 Malpractice.** Except as provided in s. ~~250.042 (4) (b)~~ 257.03, a person
18 who practices podiatry without having a license under this subchapter may be liable
19 for malpractice, and his or her ignorance of a duty ordinarily performed by a licensed
20 podiatrist shall not limit his or her liability for an injury arising from his or her
21 practice of podiatry.

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

23 450.03 (1) (h) The provision of services by a health care provider under s.
24 ~~250.042 (4) (b)~~ 257.03.

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

ASSEMBLY BILL 316

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

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

5 453.05 (1) Except as provided under sub. (2) and s. ~~250.042 (4) (b)~~ 257.03, no
6 person may offer to practice, advertise to practice or practice veterinary medicine,
7 or use, in connection with his or her name, any title or description which may convey
8 the impression that he or she is a veterinarian, without a license or temporary permit
9 from the examining board. For purposes of this subsection, a person who makes
10 extra-label use of a drug on an animal without a prescription or in any manner not
11 authorized by that prescription is considered to be practicing veterinary medicine.

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

13 455.02 (1m) LICENSE REQUIRED TO PRACTICE. Except as provided in s. ~~250.042~~
14 (4) (b) 257.03, no person may engage in the practice of psychology or the private
15 practice of school psychology, or attempt to do so or make a representation as
16 authorized to do so, without a license issued by the examining board.

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

18 455.02 (3m) USE OF TITLES. Except as provided in s. ~~250.042 (4) (b)~~ 257.03, only
19 an individual licensed under s. 455.04 (1) may use the title “psychologist” or any
20 similar title or state or imply that he or she is licensed to practice psychology, and
21 only an individual licensed under s. 455.04 (4) may use the title “private practice
22 school psychologist” or any similar title or state or imply that he or she is licensed
23 to engage in the private practice of school psychology. Except as provided in s.
24 ~~250.042 (4) (b)~~ 257.03, only an individual licensed under s. 455.04 (1) or (4) may

ASSEMBLY BILL 316**SECTION 339**

1 represent himself or herself to the public by any description of services incorporating
2 the word “psychological” or “psychology”.

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

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

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

7 801.50 **(3m)** Venue in an action under s. 323.60 (8) or (9) related to hazardous
8 substance releases shall be in the county as provided under s. 323.60 (10).

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

10 893.82 **(2)** (d) 1n. A ~~behavioral health provider, health care provider, pupil~~
11 ~~services provider, or substance abuse prevention provider~~ practitioner who provides
12 services under s. ~~250.042 (4)~~ 257.03 and a health care facility on whose behalf
13 services are provided under s. ~~250.042 (4)~~ 257.04, for the provision of those services.

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

15 895.46 **(5)** (am) A ~~behavioral health provider, health care provider, pupil~~
16 ~~services provider, or substance abuse prevention provider~~ practitioner who provides
17 services under s. ~~250.042 (4)~~ 257.03 and a health care facility on whose behalf
18 services are provided under s. ~~250.042 (4)~~ 257.04.

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

20 895.483 **(1)** A regional emergency response team, a member of such a team, and
21 a local agency, as defined in s. ~~166.22 (1) (e)~~ 323.70 (1) (b), that contracts with the
22 division of emergency management in the department of military affairs for the
23 provision of a regional emergency response team, are immune from civil liability for
24 acts or omissions related to carrying out responsibilities under a contract under s.
25 ~~166.215 (1)~~ 323.70 (2).

ASSEMBLY BILL 316

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

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

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

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

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

12 895.51 (2m) Any person engaged in the manufacturing, distribution, or sale
13 of qualified emergency household products, for profit or not for profit, who donates
14 or sells, at a price not to exceed overhead and transportation costs, qualified
15 emergency household products to a charitable organization or governmental unit in
16 response to a state of emergency declared under s. ~~166.03 (1) (b) 1. or 166.23~~ 323.10
17 or 323.11 is immune from civil liability for the death of or injury to an individual
18 caused by the qualified emergency household product donated or sold by the person.

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

20 895.55 (2) (intro.) Notwithstanding any provision of s. 93.57, 299.11, 299.13,
21 299.31, 299.43, 299.45, 299.51, 299.53 or 299.55, subchs. II and IV of ch. 30, ch. 29,
22 ~~166, 281, 283, 289, 291 or~~ 292, or 323 or subch. II of ch. 295, or any other provision
23 of this chapter, a person is immune from liability for damages resulting from the
24 person's acts or omissions and for the removal costs resulting from the person's acts
25 or omissions if all of the following conditions are met:

ASSEMBLY BILL 316**SECTION 349**

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

2 979.012 (1) If a coroner or medical examiner is aware of the death of a person
3 who, at the time of his or her death, had an illness or a health condition that satisfies
4 s. ~~166.02 (7) (a)~~ 323.02 (16) (a) or if the coroner or medical examiner knows or
5 suspects that the person had a communicable disease that, under rules promulgated
6 by the department of health services, must be reported to a local health officer or to
7 the state epidemiologist, the coroner or medical examiner shall report the illness,
8 health condition, or communicable disease to the department of health services and
9 to the local health department, as defined in s. 250.01 (4), in whose jurisdiction the
10 coroner or medical examiner is located in writing or by electronic transmission
11 within 24 hours of learning of the deceased's illness, health condition, or
12 communicable disease.

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

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

20 **SECTION 351. Initial applicability.**

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

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

ASSEMBLY BILL 316

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

3 (2) SUCCESSION IN EMERGENCIES RESULTING FROM DISASTER. The amendment of
4 sections 323.50 (1), 323.53 (1) and (2) (b) (intro.), 323.54 (1), and 323.55 (3) of the
5 statutes takes effect on the day after the secretary of state notifies the legislature
6 that an amendment to the Wisconsin Constitution has been approved that requires
7 the legislature to provide for temporary succession to the powers and duties of public
8 offices for the period of an emergency resulting from a cause other than an enemy
9 action.

10 (END)



**ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 316**

July 16, 2009 – Offered by COMMITTEE ON STATE AFFAIRS AND HOMELAND SECURITY.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 4, line 14: after “systems,” insert “granting rule-making authority.”

AAI-1

3 ✓ 2. Page 22, line 15: after that line insert:

AAI-2

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

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

6 118.38 (2) (bm) The department shall promulgate rules establishing criteria
7 for waiving the requirement to schedule at least the number of hours of direct pupil
8 instruction specified under s. 121.02 (1) (f) 2. if school is closed for a reason specified
9 in s. 115.01 (10) (a) 2. or 3.

10 ✓ 3. Page 38, line 24: after that line insert:

AAI-3

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

12 ✓ 4. Page 70, line 24: delete “licensed as a veterinarian under ch.” and substitute
13 “licensed as a veterinarian or certified as a veterinary technician under ch.”

AAI-4

AAI-5

AAI-6

1
2
3
4
5
6
7

✓✓ 5. Page 70, line 25: delete "453," and substitute "453,".

✓✓ 6. Page 75, line 18: after "450," insert "licensed as a veterinarian or certified as a veterinary technician under ch. 453,".

AAI-7

✓✓ 7. Page 76, line 15: delete that line and substitute "services provider, or substance abuse prevention provider,".

✓✓ 8. Page 77, line 14: delete lines 14 to 25.

AAI-8 ✓

(END)



**ASSEMBLY AMENDMENT 2,
TO 2009 ASSEMBLY BILL 316**

September 17, 2009 - Offered by Representative BALLWEG.

✓✓
AA2-1

1 At the locations indicated, amend the bill as follows:

2 ✓✓ 1. Page 74, line 15: after that line insert:

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

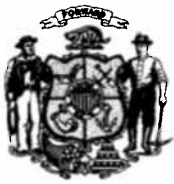
4 257.01 (1g) "Clinical laboratory technician" means an individual who holds a
5 valid, unexpired certification as a clinical laboratory technician or technologist from
6 an organization from which the department recognizes certification for purposes of
7 this chapter."

8 ✓✓ 2. Page 76, line 13: after "provider," insert "clinical laboratory technician,".

9 (END)

✓✓

✓
AA-2-2



**ASSEMBLY AMENDMENT 3,
TO 2009 ASSEMBLY BILL 316**

September 17, 2009 - Offered by Representatives NASS and BALLWEG.

✓
AA 3-1

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 22, line 12: after "weather" insert ", unless the school board determines
3 that the days will not count as school days".

4 (END)

✓