

## 2009 DRAFTING REQUEST

### Bill

Received: **05/21/2009**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - JLC**

By/Representing: **Dick and Pam**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters: **btradewe  
rryan**

Subject: **Military Affairs - emerg govt  
Military Affairs - haz materials  
Military Affairs - nat'l guard**

Extra Copies:

Submit via email: **YES**

Requester's email: **Pam.Shannon@legis.wisconsin.gov**

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Recodification of ch. 166

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### Instructions:

Companion to -0166

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 05/21/2009	jdye 05/21/2009		_____			
/1	chanaman 05/21/2009	chanaman 05/21/2009	rschluet 05/21/2009	_____	mbarman 05/21/2009	lparisi 05/21/2009	State
/2			rschluet 05/21/2009	_____	lparisi 05/21/2009	lparisi 05/21/2009	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

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\_\_\_\_\_

lparisi  
05/21/2009

rejacketed  
for fiscal change  
on label

FE Sent For:

**at  
intro**

<END>

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/?	rnelson2 05/21/2009	jdye 05/21/2009		_____			
/1			rschluet 05/21/2009	_____	mbarman 05/21/2009	lparisi 05/21/2009	

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Military Affairs - nat'l guard

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Recodification of ch. 166

Instructions:

Companion to -0166

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. It contains two rows of drafting history data.

FE Sent For:

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**Topic:**

Recodification of ch. 166

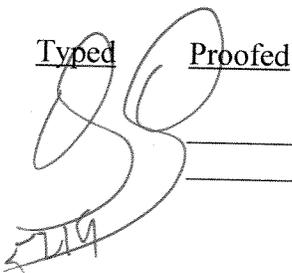
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**Instructions:**

Companion to -0166

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2	1/5/09 JLD					

FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Sweet, Richard  
**Sent:** Thursday, May 21, 2009 9:42 AM  
**To:** Nelson, Robert P.; Ryan, Robin; Shovers, Marc  
**Cc:** Shannon, Pam  
**Subject:** Companion bills

Bob/Robin/Marc,

The Joint Leg. Council voted yesterday to introduce all 6 of the Em. Mgt. drafts. Pam and I are having them jacketed for the Senate. However, we want to introduce companion bills in the Assembly, so we'd like to request that the following be given new LRB numbers for Assembly jacketing--LRB:0166/2, 2345/1, 2572/1, 2409/3, 2230/1, and 2553/3. Identical text and pref. notes with the originals.

Thanks for your help.

*Dick Sweet*

Senior Staff Attorney  
Wisconsin Legislative Council  
(608)266-2982  
richard.sweet@legis.wisconsin.gov



State of Wisconsin  
2009 - 2010 LEGISLATURE

-2935/2 2935/1

LRB-0166/2

RPN/RLR/RCT:jld:ph

2009 BILL

↑  
Stays

X Regen

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),

**BILL**

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*

**BILL**

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

**BILL**

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.

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***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.

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***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

**BILL**

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.

**BILL**

- 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.

**BILL****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.

**BILL****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

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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

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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

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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

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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:

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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:

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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.

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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.

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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.

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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

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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.

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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

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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.

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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.

**BILL****SECTION 42**

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.

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.

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

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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).

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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).

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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

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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

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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: