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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

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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

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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

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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

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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

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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:

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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.

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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



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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.

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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

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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).

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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:

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**CHAPTER 257**

**EMERGENCY VOLUNTEER HEALTH CARE**

**PRACTITIONERS**

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

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

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

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

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

**SECTION 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

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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:

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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:

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.

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:

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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.



**BILL****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:



**BILL**

## 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**

**BILL**

## SUBCHAPTER II

## POWERS AND DUTIES RELATED TO

## EMERGENCY MANAGEMENT

1  
2  
3  
4     **SECTION 286.** 323.12 (title) of the statutes is created to read:

5     **323.12 (title) Governor; duties and powers.**

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

7     323.12 (1) ONGOING DUTIES. (intro.) The governor shall do all of the following:

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

9     323.12 (2) ONGOING POWERS. (intro.) The governor may do all of the following:

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

11    323.12 (4) POWERS DURING AN EMERGENCY. (intro.) The governor may do all of  
12 the following during a state of emergency declared under s. 323.10:

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

14    **323.13 (title) Adjutant general; duties and powers.**

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

16    323.13 (1) (title) ONGOING DUTIES.

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

18    323.13 (1) (a) Serve as the governor's principal assistant for directing and  
19 coordinating emergency management activities.

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

21    323.13 (2) (h) Make payments for disaster assistance under ss. 323.30 and  
22 323.31.

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

24    323.14 (1) (title) ONGOING DUTIES.

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

**BILL****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:

**BILL**

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:

**CHAPTER 323****SUBCHAPTER III****DISASTER ASSISTANCE PROGRAMS**

13  
14  
15  
16           **SECTION 306.** Subchapter IV (title) of chapter 323 [precedes 323.40] of the  
17 statutes is created to read:

**CHAPTER 323****SUBCHAPTER IV****LIABILITY AND EXEMPTIONS**

18  
19  
20  
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

**BILL****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.

**BILL**

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,



**BILL****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:

**BILL**

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

**BILL****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:

15 **CHAPTER 323**

16 **SUBCHAPTER VI**

17 **EMERGENCY PLANNING**

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

20 **CHAPTER 323**

21 **SUBCHAPTER VII**

22 **EMERGENCY RESPONSE TEAMS**

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

25 **CHAPTER 323**

**BILL**

## 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.

**BILL****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,

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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.”.

**BILL**

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:

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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



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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).

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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:

**BILL****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:

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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)

**Parisi, Lori**

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**From:** Shannon, Pam  
**Sent:** Thursday, May 21, 2009 12:26 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-2935/1 Topic: Recodification of ch. 166

**Please Jacket LRB 09-2935/1 for the ASSEMBLY.**