



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 186
[2003 Senate Bill 120]

**Emergency Response and
Public Health**

2003 Acts: www.legis.state.wi.us/2003/data/acts/

Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 186 resulted from 2003 Senate Bill 120, which was introduced by the Joint Legislative Council on the recommendation of the Special Committee on the Public Health System's Response to Terrorism and Public Health Emergencies. Information about the Special Committee, including a list of committee materials, a list of members, and summaries and audio recordings of meetings, is available at: <http://www.legis.state.wi.us/lc/2002studies/TERR/index.htm>.

Public Health Council

The Act creates a 23-member Public Health Council in the Department of Health and Family Services (DHFS). Members are nominated by the Secretary of DHFS and appointed by the Governor. The council must include representatives of health care consumers, health care providers, health professions educators, local health departments and boards, federally recognized American Indian tribes or bands, public safety agencies, and the Public Health Advisory Committee. The council is required to advise DHFS, the Governor, the Legislature, and the public on progress in implementing DHFS's 10-year public health plan and coordination of responses to public health emergencies.

Reimbursement for Quarantine Costs

The Act requires the state to reimburse local health departments for all of their expenses incurred in quarantining a person outside his or her home during a declared state of emergency related to public health and not reimbursed from federal funds.

Mutual Assistance

The Act creates three new provisions on mutual assistance. The first and second provisions relate to mutual assistance involving *local health departments* and *fire departments*. These provisions

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

do not apply during a state of emergency declared by the Governor, since those situations are governed by the provision described in the next paragraph. Under the Act, upon the request of a local health department, the personnel of any other local health department may assist the requester within the requester's jurisdiction. Also, upon the request of a fire department, the personnel of any other fire department may assist the requester within the requester's jurisdiction. If a request for assistance is made under either of these provisions, payment for the requested services is made by one of the following methods: (1) if there is an agreement between the parties under the intergovernmental cooperation statute, or any other agreement between the parties, for the payment of services, the terms of the agreement are to be followed; or (2) if there is no such agreement, the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency if the responding agency requests payment of those costs.

The third provision, which relates to mutual assistance during a *state of emergency declared by the Governor*, states that upon the request of a city, village, town, or county, or a person acting under an incident command system (ICS), the personnel of any emergency management program, emergency medical services program, fire department, or local health department may assist the requester within the requester's jurisdiction. If such a request is made, the governmental unit that receives the assistance is responsible for the personnel or equipment costs incurred by the responding agency to the extent that federal, state, and other third-party reimbursement is available if: (1) the responding agency meets personnel and equipment requirements in the state plan of emergency management; and (2) the responding agency requests payment of those costs.

Incident Command System

The Act defines "incident command system" as "a functional management system established to control, direct, and manage the roles, responsibilities, and operations of all of the agencies involved in a multi-jurisdictional or multi-agency emergency response.

The Act requires that the state plan of emergency management require use of ICS, and specify the type of ICS, by all emergency response agencies, including local health departments, during an emergency declared by the Governor or by a municipality or in other multi-jurisdictional or multi-agency emergencies. County and municipal emergency management plans are subject to a similar requirement. In addition, DHFS is required to ensure that emergency operations are conducted using ICS during a declared public health emergency in which DHFS is designated as the lead state agency.

The Act also requires the Adjutant General to provide training in use of ICS in managing emergencies to local government officials, officers, and employees whose duties include responding to emergencies, including officers and employees of local health departments. The Adjutant General must consult with DHFS regarding the ICS training for local health department personnel. The Adjutant General is required to utilize federal funding to provide this training, to the extent possible.

Exemption From Liability

The statutes provide an exemption from liability for a person who provides equipment or services during a state of emergency declared by the Governor for the death of or injury to any person or damage to any property caused by his or her actions. The immunity does not apply if the person acted intentionally or with gross negligence. Under prior law, the exemption from liability applied only if the person provides the equipment or services under the direction of the Governor, the Adjutant General, or the head of emergency management services in any county, town, or municipality.

The Act amends the law so that the exemption from liability also applies if the person provides the equipment or services under the direction of DHFS, if that department is designated by the Governor as the lead state agency to address a public health emergency, or under the direction of a local health department that is acting as the agent of DHFS, or under the direction of the head of emergency management services for a federally recognized American Indian tribe or band.

Effective Date: The Act takes effect on April 22, 2004.

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RNS:tlujal