

(a) In this subsection, “state entity” means any state agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law that is entitled to expend moneys appropriated by law, including the legislature, the courts, and any authority.

(b) During the public health emergency declared on March 12, 2020, by executive order 72, the head or governing body of a state entity may waive a requirement imposed, administered, or enforced by the state entity that an individual appear in person if the head or governing body finds that the waiver assists in the state's response to the public health emergency or that enforcing the requirement may increase the public health risk.

History: 2009 a. 42; 2011 a. 260 s. 80; 2013 a. 236; 2019 a. 185.

323.20 Emergency use of vehicles. In responding to an official request for help during any declared state of emergency, any person may operate a boat or any motor vehicle, including a snowmobile, all-terrain vehicle, or utility terrain vehicle, that is not registered in this state.

History: 2009 a. 42 s. 109; Stats. 2009 s. 323.20; 2011 a. 208.

323.24 Prohibition against restricting firearms or ammunition during emergency. A person who is granted emergency powers under this subchapter may not use those powers to restrict the lawful possession, transfer, sale, transport, storage, display, or use of firearms or ammunition during an emergency.

History: 2007 a. 87; 2009 a. 42 s. 237; Stats. 2009 s. 323.24.

323.25 Personnel restrictions.

- (1) No personnel, while performing emergency management functions consistent with a plan adopted under s. 323.13 (1) (b) or 323.14 (1) (a) 1. or (b) 1., shall participate in any form of political activity or be employed directly or indirectly for any political activity.
- (2) No personnel, while performing emergency management functions consistent with a plan adopted under s. 323.13 (1) (b) or 323.14 (1) (a) 1. or (b) 1., shall be employed to interfere with the orderly process of a labor dispute.
- (3) No person may be employed or associated in any capacity in any state or local unit of government emergency management program under s. 323.13 (1) (b) or 323.14 (1) (a) 1. or (b) 1. who advocates a change by force or violence in the constitutional form of government of the United States or this state or who has been convicted of or is under indictment or information charging any subversive act against the United States.

History: 2009 a. 42 ss. 114, 115; Stats. 2009 s. 323.25.

323.26 Electronic communications. The adjutant general shall provide an option for the head of emergency management for each local unit of government to elect to receive all emergency management correspondence via electronic mail, including project worksheets and other administrative documents.

History: 2019 a. 159.

323.265 Suspension of certain deadlines and training requirements during a public health emergency.

(1) **DEFINITIONS.** In this section:

- (a) “Agency” means any office, department, agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, including any authority created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, or 279, the legislature, or the courts.
- (b) “Deadline” means any date certain by which, or any other limitation as to time within which, an action or event is required to occur.
- (c) “Emergency period” means the period covered by the public health emergency declared on March 12, 2020, by executive order 72, plus 30 days.

- (d) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an agency or corporation of a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

(2) DEADLINES.

- (a) Each agency or local governmental unit may toll for the duration of an emergency period any deadline falling within that period that the agency or local governmental unit administers or enforces. The agency or local governmental unit may not charge any interest or penalty that would otherwise apply with respect to the tolled deadline.
- (b) Paragraph (a) does not apply to all of the following:
1. Any deadline with respect to the filing or payment of a tax for which the revenue is deposited or is expected to be deposited in the general fund, a tax or fee for which the revenue is deposited or is expected to be deposited in the transportation fund, or a property tax.
 2. The date on which an election, as defined in s. 5.02 (4), is to be held, and any deadline relating to an election.
- (3) **TRAINING REQUIREMENTS.** During an emergency period, each agency or local governmental unit may suspend any training requirement associated with any program the agency or local unit of government administers or enforces.

History: 2019 a. 185.

323.27 Electronic payments. The adjutant general shall notify each local unit of government that it may receive payment from the division of emergency management via electronic means. At the request of a local unit of government, the adjutant general shall authorize the issuing of payment to the local unit of government through the use of money transfer techniques including, without limitation because of enumeration, direct deposit, electronic funds transfer, and automated clearinghouse procedures.

History: 2019 a. 159.

323.28 Penalties. Whoever intentionally fails to comply with an order issued by an agent of the state or of a local unit of government who is engaged in emergency management activities under this chapter, including training exercises, is subject to a forfeiture of not more than \$200.

History: 2009 a. 42 s. 121; Stats. 2009 s. 323.28.

323.29 Statewide public safety interoperable communication system.

(1) DEFINITIONS.

- (a) "Council" means the interoperability council created under s. 15.315 (1) (a).
- (am) "Department" means the department of military affairs.
- (b) "Dispatch center" has the meaning given for "public safety answering point" in s. 256.35 (1) (gm).
- (c) "Interoperability" means the ability of public safety agencies to communicate with each other and with agencies and entities identified under sub. (2) (a) by means of radio or associated communications systems, including the exchange of voice, data, or video communications on demand and in real time, as needed and authorized.
- (d) "Public safety agency" has the meaning given in s. 256.35 (1) (g).

(2) INTEROPERABILITY COUNCIL. The council shall do all of the following:

- (a) Identify types of agencies and entities, including public works and transportation agencies, hospitals, and volunteer emergency services agencies to be included, in addition to public safety agencies, in a statewide public safety interoperable communication system.
- (b) Recommend short-term and long-term goals to achieve a statewide public safety interoperable communication system.
- (c) Recommend and periodically review a strategy and timeline for achieving the goals under par. (b), including objectives for local units of government.
- (d) Assist the department in identifying and obtaining funding to implement a statewide public safety interoperable communication system.
- (e) Advise the department on allocating funds, including those available for homeland security, for the purpose of achieving the goals under par. (b).
- (f) Make recommendations to the department on all of the following:
1. Technical and operational standards for public safety interoperable communication systems.

2. Guidelines and procedures for using public safety interoperable communication systems.
 3. Minimum standards for public safety interoperable communication systems, facilities, and equipment used by dispatch centers.
 4. Certification criteria for persons who operate public safety interoperable communication systems for dispatch centers.
- (3) DEPARTMENT DUTIES AND POWERS.
- (a) The department shall provide staff support for the council and oversight of the development and operation of a statewide public safety interoperable communication system.
 - (b) The department may do any of the following:
 1. Charge a public safety agency that is a state agency a fee for use of the statewide public safety interoperable communication system under this section.
 2. Charge a person that is not a state agency a fee for use of the statewide public safety interoperable communication system under this section.
- (4) DIRECTOR OF EMERGENCY COMMUNICATIONS. The adjutant general shall appoint a director of emergency communications within the division to serve at the pleasure of the adjutant general outside the classified service. The position shall be funded from the appropriation under s. 20.465 (3) (q).

History: 2007 a. 79; 2009 a. 180; 2013 a. 20; 2017 a. 59 ss. 169e to 169s, 1673h to 1673t, 1892c to 1892x; 2019 a. 9.

323.2911 Public employee health insurance coverage. Notwithstanding s. 40.02 (40), for the purpose of group health insurance coverage offered by the group insurance board under subch. IV of ch. 40, if an employee who was on a leave of absence returns from leave, even if the employee has not resumed active performance of duty for 30 consecutive calendar days on March 12, 2020, due to the public health emergency declared by executive order 72, the leave of absence is deemed ended or interrupted on that date.

History: 2019 a. 185.

323.2912 Suspension of limited term appointment hours. Notwithstanding s. 230.26 (1), the director of the bureau of merit recruitment and selection in the division of personnel management in the department of administration may increase or suspend the number of hours for a limited term appointment for the duration of the public health emergency declared on March 12, 2020, by executive order 72.

History: 2019 a. 185.

323.2913 Use of annual leave during probationary period by state employee. Notwithstanding s. 230.35 (1) (b), a state employee may take annual leave within the first 6 months of the employee's probationary period upon initial appointment during the public health emergency declared on March 12, 2020, by executive order 72. If an employee who has taken annual leave under this section terminates his or her employment before earning annual leave equivalent to the amount of annual leave the employee has taken, the appointing authority shall deduct the cost of the unearned annual leave from the employee's final pay.

History: 2019 a. 185.

323.2915 State civil service grievance procedures.

- (1) Notwithstanding s. 230.445 (2) and (3), an employee does not waive his or her right to appeal an adverse employment decision if the employee does not timely file the complaint or appeal during the public health emergency declared on March 12, 2020, by executive order 72. The tolling period under s. 230.445 (3) (a) 1. begins 14 days after the termination of such public health emergency.
- (2) Notwithstanding s. 230.445 (3) (a) 2., an appointing authority or his or her designee is not required to meet with a complainant in person during the public health emergency declared on March 12, 2020, by executive order 72, when conducting an investigation under s. 230.445 (3) (a) 2.

History: 2019 a. 185.

SUBCHAPTER III

DISASTER ASSISTANCE PROGRAMS

323.30 Federal disaster assistance.

- (1)** The adjutant general shall make payments from the appropriation under s. 20.465 (3) (e) to pay this state's share of grants to individuals and to provide a share of any required state share of contributions to local governments, as defined in 42 USC 5122 (8), for major disaster recovery assistance. Payment of this state's share of any contribution to a local government under this subsection is contingent upon copayment of that share by the local government, but not to exceed 12.5 percent of the total eligible cost of assistance. No payment may be made under this subsection without the prior approval of the secretary of administration.
- (2)** Payment under sub. (1) shall be issued to a local unit of government within 30 days after the completion of all of the following:
 - (a)** The federal emergency management agency has approved a project and distributed federal emergency assistance funding to the state.
 - (b)** The adjutant general has received all appropriate state and federal forms from the local unit of government.
 - (c)** The local unit of government has fulfilled all other state and federal requirements.

History: 2009 a. 42 s. 95; Stats. 2009 s. 323.30; 2019 a. 159.

323.31 State disaster assistance. From the appropriations under s. 20.465 (3) (b) and (s), the adjutant general shall make payments to retail electric cooperatives, as defined in s. 16.957 (1) (t), to local governmental units, as defined in s. 19.42 (7u), and to federally recognized American Indian tribes and bands in this state for the damages and costs incurred as the result of a disaster if federal disaster assistance is not available for that disaster because the governor's request that the president declare the disaster a major disaster under 42 USC 5170 has been denied or because the disaster, as determined by the department of military affairs, does not meet the statewide or countywide per capita impact indicator under the public assistance program that is issued by the federal emergency management agency. To be eligible for a payment under this section, the retail electric cooperative, local governmental unit, or tribe or band shall pay 30 percent of the amount of the damages and costs resulting from the disaster. The department of military affairs shall promulgate rules establishing the application process and the criteria for determining eligibility for payments under this section.

History: 2009 a. 42 s. 96; Stats. 2009 s. 323.31; 2019 a. 9.

SUBCHAPTER IV

LIABILITY AND EXEMPTIONS

323.40 Responsibility for worker's compensation.

- (1) EMPLOYEES OF LOCAL UNIT OF GOVERNMENT.** An employee of a local unit of government's emergency management program is an employee of that local unit of government for worker's compensation under ch. 102 unless the responsibility to pay worker's compensation benefits are assigned as provided under s. 66.0313 or under an agreement between the local unit of government and the state or another local unit of government.
- (2) STATE AGENCY VOLUNTEERS.** A volunteer who registers with a state agency to assist the agency without compensation, other than reimbursement for travel, lodging, or meals, during a disaster, an imminent threat of a disaster, or a related training exercise is considered an employee of the agency for worker's compensation under ch. 102, for purposes of any claim related to the assistance provided.
- (3) LOCAL UNIT OF GOVERNMENT VOLUNTEERS.**
 - (a)** Except as provided in par. (b), an individual who registers in writing with a local unit of government's emergency management program to provide his or her own labor without compensation, other than reimbursement for travel, lodging, or meals, during a disaster, an imminent threat of a disaster, or a related training exercise is considered an employee of the local unit of government for worker's compensation under ch. 102 for purposes of any claim relating to the labor provided.
 - (b)** This subsection does not apply to an individual's provision of services if s. 257.03 applies.

History: 2009 a. 42.

323.41 Liability of state or local unit of government.

- (1) EMPLOYEE OF LOCAL UNIT OF GOVERNMENT.** An employee of a local unit of government's emergency management program is an employee of that local unit of government under ss. 893.80, 895.35, and 895.46 for purposes of any claim, unless the responsibility related to a claim under ss. 893.80, 895.35, and 895.46 is assigned as provided under s. 66.0313 or under an agreement between the local unit of government and the state or another local unit of government.
- (2) STATE AGENCY VOLUNTEERS.** Except as provided in s. 323.45, a volunteer who registers with a state agency to assist the agency without compensation, other than reimbursement for travel, lodging, or meals, during a disaster, an imminent threat of a disaster, or a related training exercise is considered an employee of the agency under ss. 893.82 and 895.46, for purposes of any claim related to the assistance provided.