

## Legal Basis

### STATE LEGISLATION

#### A. EMERGENCY MANAGEMENT

- Chapter 323 – Describes the organization, duties and powers for state and local emergency management programs.

#### B. DEPARTMENT OF MILITARY AFFAIRS

- Chapter 21 - Describes departmental duties.

#### C. DEPARTMENT OF NATURAL RESOURCES

- Chapter 26.11- Discusses responsibilities during forest fires.
- Chapter 29 – Discusses responsibilities for wild animals and plants and powers for restricting hunting and fishing.
- Chapter 87 - Discusses the powers and duties of the department regarding flood control. NR 116 details Wisconsin's floodplain management program.
- Chapter 292 – Discusses general environmental provisions (e.g., hazardous substance spills, disposal of debris including animal carcasses.)

#### D. DEPARTMENT OF HEALTH AND FAMILY SERVICES

- Chapter 323 -- Describes agency responsibilities during Public Health Emergencies
- Chapter 250 – Describes the administration, supervision, powers and duties of state health activities.
- Chapter 251 – Describes the structure, duties and levels of services of local health departments.
- Chapter 252 – Describes departmental powers and duties regarding communicable diseases.
- Chapter 254 – Describes the powers, duties, identification and control of environmental health concerns (e.g., toxic substances, radioactive material/nuclear power plants, disease control.)

#### E. DEPARTMENT OF TRANSPORTATION

- Chapter 83.09 – Describes emergency repairs of county trunk highways.
- Chapter 85 - Describes departmental powers, duties and organization.
- Chapter 110.07 – Describes the powers and duties of traffic officers.
- Chapter 302.07 – Describes provisions for the maintenance of order in state, county and municipal prisons.

#### F. DEPARTMENT OF AGRICULTURE, TRADE & CONSUMER PROTECTION

- Chapter 93 – Describes departmental powers and duties.
- Chapter 95 – Describes the maintenance of animal health requirements (e.g.,

cooperation with the federal government during animal disease outbreaks, embargo and condemnation of diseased animals, slaughter on premises.)

- Chapter 97— Describes the regulation of food.

#### G. COUNTIES

- Chapter 59 – Describes the legal status and organization (e.g., home rule; powers of the board chairperson and vice-chair, executive, administrator and sheriff.)

#### H. TOWNS

- Chapter 60 – Describes the legal status and organization (e.g., powers of the board chairperson; fire protection, law enforcement and ambulance service.)

#### I. VILLAGES

- Chapter 61 – Describes the legal status and organization (e.g., powers of the president and board; ambulance service.)

#### J. CITIES

- Chapter 62 – Describes the legal status and organization (e.g., powers of the mayor and council, ambulance service.)

#### K. GENERAL MUNICIPAL LAW

- Chapter 66 – Describes the legal status and organization (e.g., exercise of home rule, law enforcement, mutual assistance, emergency powers.)
- Chapter 175.46 – Defines and describes the authorities regarding mutual aid agreements.
- Chapter 213.095 – Describes the police power of a fire chief or a rescue squad.
- Chapter 895.483 – Grants immunity from civil liability for acts or omissions to the County Level B Hazardous Materials teams and to members of those teams.
- 2003 Wisconsin Act 186 – Establishes a statewide system of Mutual Aid for Emergency Medical Services, Fire Departments and Local Health Departments, requires utilization of Incident Command Systems; and amends the exemption from liability law.
- Executive Order 81 – Designates the National Incident Management System (NIMS) as the basis for Incident Management in the State of Wisconsin.

### **FEDERAL LEGISLATION**

The documents listed in Parts A, B and C is located in the State EOC.

#### A. 44 CFR Chapter 1 (Emergency Management and Assistance)

Outlines the organization, power and duties of the Federal Emergency

Management Agency (FEMA). Details the operation and scope of FEMA programs such as hazard mitigation, the National Flood Insurance Program (NFIP), fire prevention and control, disaster assistance and preparedness (including, in Part 350, radiological emergency preparedness.)

B. Disaster Relief and Emergency Assistance Act (Stafford Act.) (PL 100-707)

Limits the qualifying events for disaster assistance to natural catastrophes and established provisions for cost sharing by state and local governments.

C. Disaster Mitigation Act of 2000 (PL 106-390)

Amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for pre-disaster mitigation, to streamline the administration of disaster relief, to control the federal costs of disaster assistance and for other purposes.

D. Emergency Planning and Community Right-to-Know Act (EPCRA) (42 USC 11001 -11050)

Provides the public with information on the hazardous chemicals in their communities and establishes emergency planning and notification requirements to protect the public in the event of a release of an extremely hazardous substance.

E. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675

Protects the public health and environment by facilitating cleanup of environmental contamination and imposing costs on parties responsible for the pollution.

F. 10 CFR 50.47

Requires the establishment of state and local plans and preparedness for coping with effects of radiological emergencies as part of the nuclear power plant license.