



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 847**

February 19, 1996 – Offered by Representative MUSSER.

1     **AN ACT to amend** 15.07 (1) (cm), 15.313 (1), 15.315 (1), 20.465 (3) (title), (a) and  
2           (g), 21.20, 66.146 (1) (a), 70.11 (23), 87.305 (1) (c) (intro.), 101.143 (3) (a) 5.,  
3           102.475 (title) and (1), 132.17, 146.53 (5) (i), chapter 166 (title), 166.01, 166.02  
4           (3) and (4) (intro.), 166.03 (title), 166.03 (1) (a) 1. to 4., 166.03 (1) (b) 2. to 4.,  
5           166.03 (2) (a) 1. to 3., 166.03 (2) (b) 1. to 3., 166.03 (3) to (5), 166.03 (7) (a) and  
6           (b), 166.03 (8) (a) to (e) and (g), 166.03 (9), (10), (13) and (14), 166.05 (1), 166.06  
7           (1), 166.15 (1) (d), 166.20 (3) (c), 166.22 (1) (c) and 343.055 (1) (b); **to repeal and**  
8           **recreate** 15.947 (1); and **to create** 15.07 (2) (k) of the statutes; **relating to:**  
9           changing the name of the division of emergency government in the department  
10          of military affairs, changing references to local emergency government  
11          agencies and changing the composition and terms of the state emergency  
12          response board.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

13          **SECTION 1.** 15.07 (1) (cm) of the statutes, as affected by 1995 Wisconsin Act 27,  
14          section 95m, is amended to read:

1           15.07 (1) (cm) The term of one member of the ethics board shall expire on each  
2 May 1. The terms of 3 members of the development finance board appointed under  
3 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
4 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
5 every odd-numbered year. The terms of the 3 members of the land and water  
6 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
7 The term of the member of the land and water conservation board appointed under  
8 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of  
9 members of the real estate board shall expire on July 1. The terms of the appraiser  
10 members of the real estate appraisers board and the terms of the auctioneer and  
11 auction company representative members of the auctioneer board shall expire on  
12 May 1 in an even-numbered year. The terms of the 4 members of the educational  
13 technology board appointed under s. 15.105 (26) (a) 1., 3., 6. and 9. shall expire on  
14 May 1 in an even-numbered year. The terms of the members of the public intervenor  
15 board shall expire as provided in s. 15.345 (4) (b). The terms of 3 members of the  
16 gaming board appointed under s. 15.64 shall expire on July 1 of an even-numbered  
17 year and the terms of the other 2 members shall expire on July 1 of an odd-numbered  
18 year. The terms of 4 of the members of the state emergency response board, except  
19 the administrator of the division of emergency management in the department of  
20 military affairs, shall expire on May 1 of each year.

21           **SECTION 2.** 15.07 (2) (k) of the statutes is created to read:

22           15.07 (2) (k) The administrator of the division of emergency management in  
23 the department of military affairs shall serve as chairperson of the state emergency  
24 response board.

25           **SECTION 3.** 15.313 (1) of the statutes is amended to read:

1           15.313 (1) (title) ~~DIVISION OF EMERGENCY GOVERNMENT~~ MANAGEMENT. There is  
2           created in the department of military affairs a division of emergency ~~government~~  
3           management. The administrator of this division shall be nominated by the governor  
4           and with the advice and consent of the senate appointed, to serve at the pleasure of  
5           the governor.

6           **SECTION 4.** 15.315 (1) of the statutes is amended to read:

7           15.315 (1) STATE EMERGENCY RESPONSE BOARD. There is created a state  
8           emergency response board, which is attached to the department of military affairs  
9           under s. 15.03. The state emergency response board shall consist of ~~one~~  
10          ~~representative~~ the administrator of the division of emergency management in the  
11          department of military affairs, ~~division of emergency government~~, one  
12          representative of the subunit of the department of health and family services that  
13          administers health-related programs, one representative of the department of  
14          commerce, one representative of the department of transportation, one  
15          representative of the department of natural resources, one representative of the  
16          department of agriculture, trade and consumer protection, one representative each  
17          from fire fighting, law enforcement and public or community health services, 2  
18          representatives of industry, one representative of small business, as defined in s.  
19          15.227 (3), 2- representatives who are elected officials or employes of county ~~and~~ or  
20          municipal government, one representative of a farm or agricultural organization,  
21          one representative of a labor organization and one representative of an  
22          environmental organization. The members of the board shall serve at ~~the pleasure~~  
23          of the governor 4-year terms, except that the administrator of the division of  
24          emergency management in the department of military affairs shall be a permanent  
25          member.

1           **SECTION 5.** 15.947 (1) of the statutes, as affected by 1995 Wisconsin Act 27, is  
2 repealed and recreated to read:

3           **15.947 (1) COUNCIL ON FIRE SERVICE TRAINING PROGRAMS.** There is created in the  
4 technical college system board a council on fire service training programs consisting  
5 of a representative of the division of emergency management designated by the  
6 administrator thereof; a representative of the department of development  
7 designated by the secretary of development; a representative of the commissioner of  
8 insurance designated by the commissioner; and 4 bona fide members of volunteer fire  
9 departments and 2 bona fide members of paid fire departments appointed for  
10 staggered 6-year terms.

11           **SECTION 6.** 20.465 (3) (title), (a) and (g) of the statutes are amended to read:

12           **20.465 (3) (title) EMERGENCY GOVERNMENT MANAGEMENT SERVICES.** (a) *General*  
13 *program operations.* The amounts in the schedule for the general program  
14 operations of the division of emergency ~~government~~ management including, but not  
15 limited to, central administrative support services by the department.

16           (g) *Program services.* The amounts in the schedule for conferences, training  
17 and other services provided by the division of emergency ~~government~~ management  
18 and for expenses incurred under s. 166.03 (2) (b) 6. and 7. All moneys received for  
19 conferences, training and other services provided by the division of emergency  
20 ~~government~~ management shall be credited to this appropriation. All moneys  
21 received from assessments and contributions under s. 166.03 (2) (b) 6. and 7. shall  
22 be credited to this appropriation.

23           **SECTION 7.** 21.20 of the statutes is amended to read:

24           **21.20 Civil service status.** All full-time state-paid employes of the  
25 department of military affairs shall be under the classified service, except the

1 adjutant general, the executive assistant to the adjutant general, the deputy  
2 adjutants general for army and air and the administrator of the division of  
3 emergency government management.

4 **SECTION 8.** 66.146 (1) (a) of the statutes is amended to read:

5 66.146 (1) (a) "Public office" means the following positions or their equivalent:  
6 city engineer; city purchasing agent; commissioner of building inspection, of city  
7 development, of health or of public works; director of administration, of budget and  
8 management, of community development agency, of employe relations, of office of  
9 telecommunications, or of safety; emergency government management coordinator;  
10 employe benefits administrator; executive director of the commission on community  
11 relations; municipal port director; commissioner of assessments; director of liaison;  
12 city personnel director; executive director of the retirement board; executive director  
13 of the city board of election commissioners; city librarian; city labor negotiator;  
14 executive secretary of the board of fire and police commissioners; and supervisor of  
15 the central electronics board.

16 **SECTION 9.** 70.11 (23) of the statutes is amended to read:

17 70.11 (23) SHELTERS. Any shelter or portion of a structure constructed and used  
18 exclusively for the protection of human life and records against nuclear attack and  
19 approved as sufficient for such purpose by the local emergency government  
20 management authority and the local assessor.

21 **SECTION 10.** 87.305 (1) (c) (intro.) of the statutes is amended to read:

22 87.305 (1) (c) (intro.) The department informs the U.S. army corps of engineers,  
23 the department of transportation, the division of emergency government  
24 management and the state historical society of its intention to authorize connection

1 of sewer service and a water supply to the railroad depot and the Dousman hotel and  
2 occupancy of the hotel and either:

3 **SECTION 11.** 101.143 (3) (a) 5. of the statutes is amended to read:

4 101.143 (3) (a) 5. The owner or operator or the person reports the discharge in  
5 a timely manner to the division of emergency ~~government~~ management in the  
6 department of military affairs or to the department of natural resources, according  
7 to the requirements under s. 144.76.

8 **SECTION 12.** 102.475 (title) and (1) of the statutes are amended to read:

9 **102.475 (title) Death benefit; law enforcement and correctional**  
10 **officers, fire fighters, rescue squad members, national or state guard**  
11 **members and emergency ~~government~~ management personnel. (1) SPECIAL**  
12 **BENEFIT.** If the deceased employe is a law enforcement officer, correctional officer, fire  
13 fighter, rescue squad member, national guard member or state defense force member  
14 on state active duty as described in s. 102.07 (9) or if a deceased person is an employe  
15 or volunteer performing emergency ~~government~~ management activities under ch.  
16 166 during a state of emergency or a circumstance described in s. 166.04, who  
17 sustained an accidental injury while performing services growing out of and  
18 incidental to that employment or volunteer activity so that benefits are payable  
19 under s. 102.46 or 102.47 (1), the department shall voucher and pay from the  
20 appropriation under s. 20.445 (1) (aa) a sum equal to 75% of the primary death  
21 benefit as of the date of death, but not less than \$50,000 to the persons wholly  
22 dependent upon the deceased. For purposes of this subsection, dependency shall be  
23 determined under ss. 102.49 and 102.51.

24 **SECTION 13.** 132.17 of the statutes is amended to read:



1           **SECTION 16.** 166.01 of the statutes is amended to read:

2           **166.01 Declaration of policy.** To prepare the state and its subdivisions to  
3 cope with emergencies resulting from enemy action and natural or man-made  
4 disasters, it is declared to be necessary to establish an organization for emergency  
5 government management, conferring upon the governor and others specified the  
6 powers and duties provided by this chapter.

7           **SECTION 17.** 166.02 (3) and (4) (intro.) of the statutes are amended to read:

8           166.02 (3) “Division” means the division of emergency government  
9 management.

10           (4) (intro.) “Emergency government management” includes “civil defense” and  
11 means all measures undertaken by or on behalf of the state and its subdivisions:

12           **SECTION 18.** 166.03 (title) of the statutes is amended to read:

13           **166.03 (title) Emergency government management.**

14           **SECTION 19.** 166.03 (1) (a) 1. to 4. of the statutes are amended to read:

15           166.03 (1) (a) 1. Review orders establishing or altering emergency government  
16 management areas.

17           2. Review state emergency government management plans and modifications  
18 thereof.

19           3. Employ the division of emergency government management during a state  
20 of emergency proclaimed by him or her, issue orders and delegate such authority as  
21 is deemed necessary to the administrator.

22           4. Determine responsibilities of state departments and independent agencies  
23 in respect to emergency government management and by order direct such  
24 departments and agencies in utilizing personnel, facilities, supplies and equipment  
25 before and during a state of emergency.



1           **SECTION 20.** 166.03 (1) (b) 2. to 4. of the statutes are amended to read:

2           166.03 (1) (b) 2. On behalf of the state, enter into mutual aid agreements  
3 concerning emergency ~~government~~ management with other states.

4           3. Accept from any source gifts and grants including services for emergency  
5 ~~government~~ management purposes and may authorize state, county, town and  
6 municipal officers to receive such gifts and grants. When grants require county, town  
7 or municipal participation, the state may transfer title to equipment acquired  
8 through such agreement to participating counties, towns and municipalities.

9           4. During a state of emergency, declare priority of emergency ~~government~~  
10 management contracts over other contracts, allocate materials and facilities in his  
11 or her discretion, and take, use and destroy private property for emergency  
12 ~~government~~ management purposes. Such taking, use or destruction shall be in the  
13 name of the state. Records shall be kept of such action and such records shall be  
14 evidence of a claim against the state. Any such claim shall be referred to the claims  
15 board under s. 16.007.

16           **SECTION 21.** 166.03 (2) (a) 1. to 3. of the statutes are amended to read:

17           166.03 (2) (a) 1. Subject to approval by the governor, develop and promulgate  
18 a state plan of emergency ~~government~~ management for the security of persons and  
19 property which shall be mandatory during a state of emergency. In developing the  
20 plan, the adjutant general shall seek the advice of the department of health and  
21 social services with respect to the emergency medical aspects of the plan.

22           2. Prescribe and carry out statewide training programs and exercises to  
23 develop emergency ~~government~~ management proficiency, disseminate information  
24 including warnings of enemy action, serve as the principal assistant to the governor

1 in the direction of emergency government management activities and coordinate  
2 emergency government management programs between counties.

3 3. Furnish guidance and develop and promulgate standards for emergency  
4 government management programs for counties, towns and municipalities, and  
5 prescribe nomenclature for all levels of emergency government management.

6 **SECTION 22.** 166.03 (2) (b) 1. to 3. of the statutes are amended to read:

7 166.03 (2) (b) 1. Divide the state into emergency government management  
8 areas composed of whole counties by general or special written orders subject to  
9 approval by the governor, and modify the boundaries thereof as changed conditions  
10 warrant. Such areas shall be classified and designated in accordance with standards  
11 promulgated under the federal civil defense act of 1950, as amended.

12 2. Appoint a head of emergency government management for each area  
13 established in accordance with subd. 1. under the classified service on either a  
14 part-time or full-time basis, or may request the governor to designate any state  
15 officer or employe as acting area head on a part-time basis.

16 3. Designate and post highways as emergency government management routes  
17 closed to all but authorized vehicles when required for training programs and  
18 exercises.

19 **SECTION 23.** 166.03 (3) to (5) of the statutes are amended to read:

20 166.03 (3) POWERS AND DUTIES OF AREA HEADS. Area heads of emergency  
21 government management may exercise such powers as are delegated and shall  
22 perform such duties as are assigned to them by the adjutant general.

23 (4) POWERS AND DUTIES OF COUNTIES AND MUNICIPALITIES. (a) The governing body  
24 of each county, town and municipality shall adopt an effective program of emergency  
25 government management consistent with the state plan of emergency government

1 management and, except at the county level in counties having a county executive,  
2 shall appoint a head of emergency ~~government~~ management services. Each such  
3 governing body may appropriate funds and levy taxes for this program.

4 (b) In counties having a county executive under s. 59.031, the county board  
5 shall designate the county executive or confirm his or her appointee as county head  
6 of emergency ~~government~~ management services.

7 (c) Each county board shall designate a committee of the board as a county  
8 emergency ~~government~~ management committee whose chairperson shall be a  
9 member of the committee designated by the chairperson of the county board. The  
10 committee, in counties having a county executive under s. 59.031, shall retain  
11 policy-making and rule-making powers in the establishment and development of  
12 county emergency ~~government~~ management plans and programs.

13 (d) During the continuance of a state of emergency proclaimed by the governor  
14 the county board of each county situated within the area to which the governor's  
15 proclamation applies may employ the county emergency ~~government~~ management  
16 organization and the facilities and other resources of the organization to cope with  
17 the problems of the emergency, and the governing body of each municipality and  
18 town situated within the area shall have similar authority with respect to municipal  
19 emergency ~~government~~ management organizations, facilities and resources.  
20 Nothing in this chapter prohibits counties and municipalities from employing their  
21 emergency ~~government~~ management organizations, facilities and resources to cope  
22 with the problems of local public emergencies except where restrictions are imposed  
23 by federal regulations on property donated by the federal government.

24 **(5) (title) POWERS AND DUTIES OF HEAD OF EMERGENCY ~~GOVERNMENT~~ MANAGEMENT**  
25 **SERVICES.** (a) The head of emergency ~~government~~ management services in each

1 county, town and municipality shall for his or her respective county, town or  
2 municipality, develop and promulgate emergency government management plans  
3 consistent with state plans, direct the emergency government management program  
4 and perform such other duties related to emergency government management as are  
5 required by the governing body and the emergency government management  
6 committee of the governing body when applicable.

7 (b) The head of emergency government management services in each county  
8 shall coordinate and assist in developing town and municipal emergency  
9 government management plans within the county, integrate such plans with the  
10 county plan, advise the department of all emergency government management  
11 planning in the county and submit to the adjutant general such reports as he or she  
12 requires, direct and coordinate emergency government management activities  
13 throughout the county during a state of emergency, and direct countywide  
14 emergency government management training programs and exercises.

15 (c) The head of emergency government management services in each town and  
16 municipality shall direct local emergency government management training  
17 programs and exercises, direct participation in emergency government management  
18 programs and exercises ordered by the adjutant general and the county head of  
19 emergency government management services, and advise the county head of  
20 emergency government management services on local emergency government  
21 management programs and submit to him or her such reports as he or she requires.

22 (d) During the continuance of a state of emergency proclaimed by the governor,  
23 the head of emergency government management services in each county, town and  
24 municipality, on behalf of his or her respective county, town or municipality, may

1 contract with any person to provide equipment and services on a cost basis to be used  
2 in disaster relief.

3 **SECTION 24.** 166.03 (7) (a) and (b) of the statutes are amended to read:

4 166.03 (7) (a) Counties, towns and municipalities may cooperate under s. 66.30  
5 to furnish services, combine offices and finance emergency ~~government~~ management  
6 services.

7 (b) Counties, towns and municipalities may contract for emergency  
8 ~~government~~ management services with political subdivisions, emergency  
9 ~~government~~ management units and civil defense units of this state, and upon prior  
10 approval of the adjutant general, with such entities in bordering states. A copy of  
11 each such agreement shall be filed with the adjutant general within 10 days after  
12 execution thereof.

13 **SECTION 25.** 166.03 (8) (a) to (e) and (g) of the statutes are amended to read:

14 166.03 (8) (a) No emergency ~~government~~ management organization  
15 established under this section shall participate in any form of political activity or be  
16 employed directly or indirectly for any political activity.

17 (b) No emergency ~~government~~ management organization established under  
18 this section shall be employed to interfere with the orderly process of a labor dispute.

19 (c) No person shall be employed or associated in any capacity in any emergency  
20 ~~government~~ management organization under this section who advocates a change  
21 by force or violence in the constitutional form of government of the United States or  
22 this state or who has been convicted of or is under indictment or information charging  
23 any subversive act against the United States.

24 (d) Employes of municipal and county emergency ~~government~~ management  
25 units are employes of the municipality or county to which the unit is attached for

1 purposes of worker's compensation benefits. Employes of the area and state  
2 emergency government management units are employes of the state for purposes of  
3 worker's compensation benefits. Volunteer emergency government management  
4 workers are employes of the emergency government management unit with whom  
5 duly registered in writing for purposes of worker's compensation benefits. An  
6 emergency government management employe or volunteer who engages in  
7 emergency government management activities upon order of any echelon in the  
8 emergency government management organization other than that which carries his  
9 or her worker's compensation coverage shall be eligible for the same benefits as  
10 though employed by the governmental unit employing him or her. Any employment  
11 which is part of an emergency government management program including but not  
12 restricted because of enumeration, test runs and other activities which have a  
13 training objective as well as emergency government management activities during  
14 an emergency proclaimed in accordance with this chapter and which grows out of,  
15 and is incidental to, such emergency government management activity is covered  
16 employment. Members of an emergency government management unit who are not  
17 acting as employes of a private employer during emergency government  
18 management activities are employes of the emergency government management  
19 unit for which acting. If no pay agreement exists or if the contract pay is less, pay  
20 for worker's compensation purposes shall be computed in accordance with s. 102.11.

21 (e) Emergency government management employes as defined in par. (d) shall  
22 be indemnified by their sponsor against any tort liability to third persons incurred  
23 in the performance of emergency government management activities while acting in  
24 good faith and in a reasonable manner. Emergency government management  
25 activities constitute a governmental function.

1 (g) Emergency ~~government~~ management employes as such shall receive no pay  
2 unless specific agreement for pay is made.

3 **SECTION 26.** 166.03 (9), (10), (13) and (14) of the statutes are amended to read:

4 166.03 **(9)** BEARING OF LOSSES. Any loss arising from the damage to or  
5 destruction of government-owned equipment utilized in any authorized emergency  
6 ~~government~~ management activity shall be borne by the owner thereof.

7 **(10)** EXEMPTION FROM LIABILITY. No person who provides equipment or services  
8 under the direction of the governor, the adjutant general or the head of emergency  
9 ~~government~~ management services in any county, town or municipality during a state  
10 of emergency declared by the governor is liable for the death of or injury to any person  
11 or damage to any property caused by his or her actions, except where the trier of fact  
12 finds that the person acted intentionally or with gross negligence. This subsection  
13 does not affect the right of any person to receive benefits to which he or she would  
14 otherwise be entitled under the worker's compensation law or under any pension law,  
15 nor does it affect entitlement to any other benefits or compensation authorized by  
16 state or federal law.

17 **(13)** AUTHORITY TO WITHHOLD GRANTS. If the adjutant general finds that any  
18 political subdivision of the state has not complied with the requirement of this  
19 section that it establish and maintain an operating emergency ~~government~~  
20 management organization, he or she may refuse to approve grants of funds or items  
21 of equipment to such political subdivision until it complies. If such political  
22 subdivision fails to use funds or items of equipment granted to it through the  
23 adjutant general in accordance with the agreement under which the grant was made,  
24 the adjutant general may refuse to make any additional grants to such political  
25 subdivision until it has complied with the conditions of the prior grant, and he or she

1 may start recovery proceedings on the funds and items of equipment which have not  
2 been used in accordance with the conditions of the grant.

3 (14) PENALTIES. Whoever intentionally fails to comply with the directives of  
4 emergency government management authorities promulgated under this section  
5 during a state of emergency or during any training program or exercises may be fined  
6 not more than \$200 or imprisoned not more than 90 days or both.

7 **SECTION 27.** 166.05 (1) of the statutes is amended to read:

8 166.05 (1) DESIGNATION OF EMERGENCY TEMPORARY LOCATION. Whenever, during  
9 a state of emergency it becomes imprudent, inexpedient or impossible to conduct the  
10 affairs of state government at the state capital, the governor shall, as often as the  
11 exigencies of the situation require, by proclamation designate an emergency  
12 temporary location for the seat of government at such place within or without this  
13 state as he or she deems advisable, and shall take such action and issue such orders  
14 as are necessary for an orderly transition of the affairs of state government to such  
15 emergency temporary location. If practicable, the emergency temporary location so  
16 designated by the governor shall conform to that provided for in the current  
17 emergency government management plan authorized by s. 166.03. Such emergency  
18 temporary location shall remain as the seat of government until the governor  
19 establishes a new location under this section, or until the emergency is ended under  
20 s. 166.03 and the seat of government is returned to its normal location.

21 **SECTION 28.** 166.06 (1) of the statutes is amended to read:

22 166.06 (1) DESIGNATION OF EMERGENCY TEMPORARY LOCATIONS. Whenever during  
23 a state of emergency it becomes imprudent, inexpedient or impossible to conduct the  
24 affairs of local government at the regular or usual place or places thereof, the  
25 governing body of each county, town and municipality of this state may meet at any



1 place within or without the territorial limits of such political subdivision on the call  
2 of the presiding officer or his or her successor, and shall proceed to establish and  
3 designate by ordinance, resolution or other manner, alternate or substitute sites or  
4 places as the emergency temporary locations of government where all, or any part,  
5 of the public business may be transacted and conducted during the emergency  
6 situation. Such alternate or substitute site or places may be within or without the  
7 territorial limits of such county, town or municipality and may be within or without  
8 those of the state. If practicable, they shall be the sites or places designated as the  
9 emergency temporary locations of government in the current emergency ~~government~~  
10 management plan.

11 **SECTION 29.** 166.15 (1) (d) of the statutes is amended to read:

12 166.15 (1) (d) “Emergency provider” means any person who provides  
13 emergency care or facilities and includes emergency ~~government~~ management.

14 **SECTION 30.** 166.20 (3) (c) of the statutes is amended to read:

15 166.20 (3) (c) Consult and coordinate with the county board, the county and  
16 local heads of emergency ~~government~~ management services designated under s.  
17 166.03 (4) (a) or (b) and the county emergency ~~government~~ management committee  
18 designated under s. 166.03 (4) (c) in the execution of the local emergency planning  
19 committee’s duties under this section.

20 **SECTION 31.** 166.22 (1) (c) of the statutes is amended to read:

21 166.22 (1) (c) “Local agency” means an agency of a county, city, village or town,  
22 including a municipal police or fire department, a municipal health organization, a  
23 county office of emergency ~~government~~ management, a county sheriff, an emergency  
24 medical service or a public works department.

25 **SECTION 32.** 343.055 (1) (b) of the statutes is amended to read:

1           343.055 (1) (b) *Fire fighters*. The operator of the commercial motor vehicle  
2 including, without limitation, fire trucks, hook and ladder trucks and foam or water  
3 transporters, is a person employed by a volunteer or paid fire organization and the  
4 person is operating emergency or fire fighting equipment necessary to the  
5 preservation of life or property or the execution of emergency ~~government~~  
6 management functions and equipped with a siren and warning lamps as provided  
7 in ss. 347.25 (1) and 347.38 (4) and the operation is in the routine performance of  
8 other duties of the fire organization or in response to an emergency call under s.  
9 346.03 or during the return from a fire or other emergency response.

10           **SECTION 33. Nonstatutory provisions.**

11           (1) Notwithstanding section 15.315 (1) of the statutes, as affected by this act,  
12 the members appointed to the state emergency response board under that subsection  
13 shall serve for the following initial terms:

14           (a) One of the members representing industry, the member representing a  
15 labor organization, the member representing small businesses and the member  
16 representing the department of natural resources shall serve for terms expiring on  
17 May 1, 1997.

18           (b) The member representing a farm or agricultural organization, the member  
19 representing the department of agriculture, trade and consumer protection, the  
20 member representing fire fighting and the member representing an environmental  
21 organization shall serve for terms expiring on May 1, 1998.

22           (c) The other member representing industry, the member representing public  
23 or community health services, the member representing law enforcement and one of  
24 the members representing elected officials or employes of county or municipal  
25 government shall serve for terms expiring on May 1, 1999.

