



## 2005 ASSEMBLY BILL 992

February 7, 2006 - Introduced by Representatives GUNDERSON, M. WILLIAMS, AINSWORTH, ALBERS, KERKMAN, PETROWSKI, RHOADES, SHERMAN, SUDER, VOS, WOOD and LEHMAN, cosponsored by Senators ZIEN, BROWN, S. FITZGERALD, GROTHMAN, LAZICH, MILLER, WIRCH and ERPENBACH. Referred to Committee on Criminal Justice and Homeland Security.

1     **AN ACT to amend** 13.94 (1) (q), 16.25 (title), 16.25 (1) (a), 16.25 (1) (c), 16.25 (1)  
2           (d), 16.25 (2), 16.25 (3) (a), 16.25 (3) (b), 16.25 (3) (c), 16.25 (3) (d), 16.25 (3) (e),  
3           16.25 (3) (f), 16.25 (3) (g), 16.25 (3) (h), 16.25 (3) (i), 16.25 (3) (j), 16.25 (3) (k),  
4           16.25 (5), 16.705 (1m), 16.71 (5), 20.505 (4) (ec), 20.505 (4) (er) (title) and 108.05  
5           (3) (a); and **to create** 16.25 (1) (am) of the statutes; **relating to:** the Volunteer  
6           Fire Fighter and Emergency Medical Technician Service Award Program and  
7           the exclusion of wages earned for services performed as a volunteer fire fighter,  
8           emergency medical technician, or first responder from partial unemployment  
9           benefit determinations.

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### ***Analysis by the Legislative Reference Bureau***

Currently, the Volunteer Fire Fighter and Emergency Medical Technician Service Award Board, attached to the Department of Administration, must establish by rule a service award program for volunteer fire fighters in municipalities that operate volunteer fire departments or that contract with volunteer fire companies and for emergency medical technicians in any municipality that authorizes volunteer emergency medical technicians to provide emergency medical technical services in the municipality.

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Under the program, any municipality that operates a volunteer fire department or that contracts with a volunteer fire company and any municipality that authorizes volunteer emergency medical technicians to provide emergency medical technical services in the municipality may participate in the service award program. The program requires that annual contributions be paid by municipalities for each volunteer fire fighter and emergency medical technician in an amount determined by the municipalities and that the state match municipal contributions up to \$250 per year. (This amount is to be adjusted annually to reflect changes in the cost of living and prorated if there are insufficient state funds.)

This bill makes the following changes to the program:

1. Any municipality that authorizes first responders to provide first responder services in the municipality may participate in the program.
2. Counties are covered under program. Currently, only cities, villages, and towns participate in the program.
3. The board is renamed the Service Award Board.
4. Eliminates a requirement that fire fighters, first responders, and emergency medical technicians must have at least five years of service for a municipality before the municipality can purchase additional years for them under the program.

Finally, under current law, with certain exceptions, if a claimant earns wages in a given week in employment covered by the unemployment insurance law, the first \$30 of the wages are disregarded and the claimant's weekly benefit rate is reduced by 67 percent of the remaining amount of wages earned. This bill provides that any amount that a claimant earns for services performed as a volunteer fire fighter, volunteer emergency medical technician, or volunteer first responder in any week does not reduce the claimant's weekly benefit rate for that week. The bill does not define the term "volunteer."

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 13.94 (1) (q) of the statutes is amended to read:

2           13.94 (1) (q) No later than February 1, 2006, prepare a performance evaluation  
3           audit of the ~~volunteer fire fighter and emergency medical technician~~ service award  
4           program established under s. 16.25. The legislative audit bureau shall file a copy of  
5           the audit report under this paragraph with the distributees specified in par. (b).

6           **SECTION 2.** 16.25 (title) of the statutes is amended to read:

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1           **16.25** (title) ~~Volunteer fire fighter and emergency medical technician~~  
2 ~~service~~ Service award program.

3           **SECTION 3.** 16.25 (1) (a) of the statutes is amended to read:

4           16.25 (1) (a) “Board” means the ~~volunteer fire fighter and emergency medical~~  
5 ~~technician~~ service award board.

6           **SECTION 4.** 16.25 (1) (am) of the statutes is created to read:

7           16.25 (1) (am) “First responder” means an individual certified under s. 146.50  
8 (8).

9           **SECTION 5.** 16.25 (1) (c) of the statutes is amended to read:

10          16.25 (1) (c) “Municipality” means a city, county, village or town.

11          **SECTION 6.** 16.25 (1) (d) of the statutes is amended to read:

12          16.25 (1) (d) “Program” means the ~~volunteer fire fighter and emergency~~  
13 ~~medical technician~~ service award program established under sub. (2).

14          **SECTION 7.** 16.25 (2) of the statutes is amended to read:

15          16.25 (2) The board shall establish by rule a program to provide  
16 length-of-service awards, described in 26 USC 457 (e) (11), to volunteer fire fighters  
17 in municipalities that operate volunteer fire departments or that contract with  
18 volunteer fire companies organized under ch. 181 or 213, to first responders in any  
19 municipality that authorizes first responders to provide first responder services, and  
20 to volunteer emergency medical technicians in any municipality that authorizes  
21 volunteer emergency medical technicians to provide emergency medical technical  
22 services in the municipality. To the extent permitted by federal law, the board shall  
23 design the program so as to treat the length-of-service awards as a tax-deferred  
24 benefit under the Internal Revenue Code.

25          **SECTION 8.** 16.25 (3) (a) of the statutes is amended to read:

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1           16.25 (3) (a) All municipalities that operate volunteer fire departments or that  
2 contract with a volunteer fire company organized under ch. 181 or 213, all  
3 municipalities that authorize first responders to provide first responder services,  
4 and all municipalities that authorize volunteer emergency medical technicians to  
5 provide emergency medical technical services are eligible to participate in the  
6 program.

7           **SECTION 9.** 16.25 (3) (b) of the statutes is amended to read:

8           16.25 (3) (b) Annual contributions in an amount determined by the  
9 municipality shall be paid by each municipality for each volunteer fire fighter, first  
10 responder, and emergency medical technician who provides services for the  
11 municipality.

12           **SECTION 10.** 16.25 (3) (c) of the statutes is amended to read:

13           16.25 (3) (c) The municipality may select from among the plans offered by  
14 individuals or organizations under contract with the board under sub. (4) for the  
15 volunteer fire fighters, first responders, and emergency medical technicians who  
16 perform services for the municipality. The municipality shall pay the annual  
17 contributions directly to the individual or organization offering the plan selected by  
18 the municipality.

19           **SECTION 11.** 16.25 (3) (d) of the statutes is amended to read:

20           16.25 (3) (d) 1. Subject to subd. 2., the board shall match all annual municipal  
21 contributions paid for volunteer fire fighters, first responders, and emergency  
22 medical technicians up to \$250 per fiscal year, other than contributions paid for the  
23 purchase of additional years of service under par. (e), to be paid from the  
24 appropriation account under s. 20.505 (4) (er). This amount shall be adjusted  
25 annually on July 1 to reflect any changes in the U.S. consumer price index for all

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1 urban consumers, U.S. city average, as determined by the U.S. department of labor,  
2 for the 12-month period ending on the preceding December 31. The board shall pay  
3 all amounts that are matched under this paragraph to the individuals and  
4 organizations offering the plans selected by the municipalities.

5 2. If the moneys appropriated under s. 20.505 (4) (er) are not sufficient to fully  
6 fund the contributions required to be paid by the board under subd. 1., the board shall  
7 prorate the contributions paid for the volunteer fire fighters, first responders, and  
8 emergency medical technicians.

9 **SECTION 12.** 16.25 (3) (e) of the statutes is amended to read:

10 16.25 (3) (e) A municipality may purchase additional years of service for  
11 volunteer fire fighters, first responders, and emergency medical technicians who  
12 ~~have at least 5 years of service as a volunteer fire fighter or emergency medical~~  
13 ~~technician for the municipality.~~ The number of additional years of service that may  
14 be purchased under this paragraph may not exceed the number of years of volunteer  
15 fire fighting, first responder service, or emergency medical technical service  
16 performed by the volunteer fire fighter, first responder, or emergency medical  
17 technician for the municipality.

18 **SECTION 13.** 16.25 (3) (f) of the statutes is amended to read:

19 16.25 (3) (f) Except in the case of a volunteer fire fighter, first responder, or  
20 emergency medical technician or the beneficiary of a volunteer fire fighter, first  
21 responder, or emergency medical technician eligible for a lump sum under par. (i),  
22 a vesting period of 10 years of volunteer fire fighting, first responder service, or  
23 emergency medical technical service for a municipality shall be required before a  
24 volunteer fire fighter, first responder, or emergency medical technician may receive  
25 any benefits under the program.

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1           **SECTION 14.** 16.25 (3) (g) of the statutes is amended to read:

2           16.25 (3) (g) A volunteer fire fighter, first responder, or emergency medical  
3 technician shall be paid a length of service award either in a lump sum or in a manner  
4 specified by rule, consisting of all municipal and state contributions made on behalf  
5 of the volunteer fire fighter, first responder, or emergency medical technician and all  
6 earnings on the contributions, less any expenses incurred in the investment of the  
7 contributions and earnings, after the volunteer fire fighter, first responder, or  
8 emergency medical technician attains 20 years of service for a municipality and  
9 reaches the age of 60. If a volunteer fire fighter, first responder, or emergency  
10 medical technician has satisfied all vesting requirements under the program but has  
11 less than 20 years of service for a municipality or has not reached the age of 60, the  
12 program shall provide for the payment of a length of service award either in a lump  
13 sum or in a manner specified by rule in an amount to be determined by the board,  
14 but less than the amount paid to a volunteer fire fighter, first responder, or  
15 emergency medical technician who has attained 20 years of service for a municipality  
16 and has reached the age of 60.

17           **SECTION 15.** 16.25 (3) (h) of the statutes is amended to read:

18           16.25 (3) (h) ~~A- The account of a volunteer fire fighter, first responder, or~~  
19 ~~emergency medical technician who has not met all of the vesting requirements under~~  
20 ~~the program shall forfeit his or her accrued years of volunteer fire fighting or~~  
21 ~~emergency medical technical service be closed if he or she should cease providing~~  
22 ~~volunteer fire fighting, first responder, or emergency medical technical services for~~  
23 ~~a municipality for a period of 6 months or more, unless he or she has been granted~~  
24 ~~a leave of absence by his or her supervisor.~~

25           **SECTION 16.** 16.25 (3) (i) of the statutes is amended to read:

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1           16.25 (3) (i) 1. The beneficiary of a volunteer fire fighter, first responder, or  
2           emergency medical technician who is killed in the line of duty or while actively  
3           engaged in the rendering of volunteer fire fighting, first responder, or emergency  
4           medical technical service shall be paid a length of service award either in a lump sum  
5           or in a manner specified by rule, consisting of all municipal and state contributions  
6           made on behalf of the volunteer fire fighter, first responder, or emergency medical  
7           technician and all earnings on the contributions, less any expenses incurred in the  
8           investment of the contributions and earnings.

9           2. A volunteer fire fighter, first responder, or emergency medical technician  
10          who becomes disabled during his or her service as a volunteer fire fighter, first  
11          responder, or emergency medical technician for the municipality shall be paid a  
12          length of service award either in a lump sum or in a manner specified by rule, in an  
13          amount to be determined by the board.

14          **SECTION 17.** 16.25 (3) (j) of the statutes is amended to read:

15          16.25 (3) (j) The account of any volunteer fire fighter, first responder, or  
16          emergency medical technician who has not met all of the vesting requirements under  
17          the program, who has not provided volunteer fire fighting, first responder, or  
18          emergency medical technical services for a municipality for a period of 6 months or  
19          more, who does not meet any other program requirement established by the  
20          municipality, and who has not been granted a leave of absence by his or her  
21          supervisor shall be closed.

22          **SECTION 18.** 16.25 (3) (k) of the statutes is amended to read:

23          16.25 (3) (k) The board shall equitably allocate all moneys in accounts of  
24          volunteer fire fighters, first responders, and emergency medical technicians that  
25          have been ~~forfeited~~ or closed to the accounts of volunteer fire fighters, first

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1 responders, and emergency medical technicians that have not been forfeited or  
2 closed.

3 **SECTION 19.** 16.25 (5) of the statutes is amended to read:

4 16.25 (5) The board shall establish by rule a process by which a volunteer fire  
5 fighter, first provider, or emergency medical technician may appeal to the board any  
6 decision made by the department or by an individual or organization under contract  
7 with the board under sub. (4) that affects a substantial interest of the volunteer fire  
8 fighter, first responder, or emergency medical technician under the program.

9 **SECTION 20.** 16.705 (1m) of the statutes is amended to read:

10 16.705 (1m) Subsection (1) does not apply to contracts entered into by the  
11 ~~volunteer fire fighter and emergency medical technician~~ service award board under  
12 s. 16.25 (4) (b).

13 **SECTION 21.** 16.71 (5) of the statutes is amended to read:

14 16.71 (5) The department shall delegate authority to the ~~volunteer fire fighter~~  
15 ~~and emergency medical technician~~ service award board to enter into contracts under  
16 s. 16.25 (4) (b).

17 **SECTION 22.** 20.505 (4) (ec) of the statutes is amended to read:

18 20.505 (4) (ec) ~~Volunteer fire fighter and emergency medical technician service~~  
19 ~~Service award program; general program operations.~~ The amounts in the schedule  
20 for general program operations of the ~~volunteer fire fighter and emergency medical~~  
21 ~~technician~~ service award board and to reimburse the department of administration  
22 for all services provided by the department to the board.

23 **SECTION 23.** 20.505 (4) (er) (title) of the statutes is amended to read:

24 20.505 (4) (er) (title) ~~Volunteer fire fighter and emergency medical technician~~  
25 ~~service~~ Service award program; state matching awards.



