

1999 Assembly Bill 187

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1999 WISCONSIN ACT 105

AN ACT *to amend* 16.72 (2) (b); and *to create* 13.94 (1) (q), 15.105 (26), 16.25, 16.705 (1m), 16.71 (5), 20.505 (4) (ec) and 20.505 (4) (er) of the statutes; **relating to:** establishing a service award program for volunteer fire fighters and emergency medical technicians, creating a volunteer fire fighter and emergency medical technician service award board, requiring the exercise of rule-making authority and making an appropriation.

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

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

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

SECTION 2. 15.105 (26) of the statutes is created to read:

15.105 (26) VOLUNTEER FIRE FIGHTER AND EMERGENCY MEDICAL TECHNICIAN SERVICE AWARD BOARD. (a) There is created a volunteer fire fighter and emergency medical technician service award board that is attached to the department of administration under s. 15.03. The board shall consist of the secretary of administration or his or her designee and the following members appointed for 3-year terms:

1. One member who is volunteer fire fighter and who is a member of a statewide organization that represents fire chiefs.

2. One member who is volunteer fire fighter and who is a member of a statewide organization that represents volunteer fire fighters.

3. One member who is a volunteer emergency medical technician

4. Three members who represent municipalities that operate volunteer fire departments or that contract with volunteer fire companies organized under ch. 181 or 213.

5. One member who has experience in financial planning.

(b) In appointing the members under par. (a), the governor shall seek to appoint members from different regions of the state and from municipalities of different sizes.

SECTION 3. 16.25 of the statutes is created to read:

16.25 Volunteer fire fighter and emergency medical technician service award program. (1) In this section:

(a) "Board" means the volunteer fire fighter and emergency medical technician service award board.

(b) "Internal Revenue Code" means the Internal Revenue Code, as defined for the current taxable year under s. 71.01 (6).

(c) "Municipality" means a city, village or town.

* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(d) "Program" means the volunteer fire fighter and emergency medical technician service award program established under sub. (2).

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

(3) The board shall promulgate rules to include the following design features for the program:

(a) All municipalities that operate volunteer fire departments or that contract with a volunteer fire company organized under ch. 181 or 213 and all municipalities that authorize volunteer emergency medical technicians to provide emergency medical technical services are eligible to participate in the program.

(b) Annual contributions in an amount determined by the municipality shall be paid by each municipality for each volunteer fire fighter and emergency medical technician who provides services for the municipality.

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

(d) 1. Subject to subd. 2., the board shall match all annual municipal contributions paid for volunteer fire fighters and emergency medical technicians up to \$250 per fiscal year, other than contributions paid for the purchase of additional years of service under par. (e), to be paid from the appropriation account under s. 20.505 (4) (er). This amount shall be adjusted annually on July 1 to reflect any changes in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12-month period ending on the preceding December 31. The board shall pay all amounts that are matched under this paragraph to the individuals and organizations offering the plans selected by the municipalities.

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

(e) A municipality may purchase additional years of service for volunteer fire fighters and emergency medical

technicians who have at least 5 years of service as a volunteer fire fighter or emergency medical technician for the municipality. The number of additional years of service that may be purchased under this paragraph may not exceed the number of years of volunteer fire fighting or emergency medical technical service performed by the volunteer fire fighter or emergency medical technician for the municipality.

(f) Except in the case of a volunteer fire fighter or emergency medical technician or the beneficiary of a volunteer fire fighter or emergency medical technician eligible for a lump sum under par. (i), a vesting period of 10 years of volunteer fire fighting or emergency medical technical service for a municipality shall be required before a volunteer fire fighter or emergency medical technician may receive any benefits under the program.

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

(h) A volunteer fire fighter or emergency medical technician who has not met all of the vesting requirements under the program shall forfeit his or her accrued years of volunteer fire fighting or emergency medical technical service if he or she should cease providing volunteer fire fighting or emergency medical technical services for a municipality for a period of 6 months or more, unless he or she has been granted a leave of absence by his or her supervisor.

(i) 1. The beneficiary of a volunteer fire fighter or emergency medical technician who is killed in the line of duty shall be paid a length of service award either in a lump sum or in a manner specified by rule, consisting of all municipal and state contributions made on behalf of the volunteer fire fighter or emergency medical technician and all earnings on the contributions, less any expenses incurred in the investment of the contributions and earnings.

2. A volunteer fire fighter or emergency medical technician who becomes disabled during his or her ser-

vice as a volunteer fire fighter or emergency medical technician for the municipality shall be paid a length of service award either in a lump sum or in a manner specified by rule, in an amount to be determined by the board.

(j) The account of any volunteer fire fighter or emergency medical technician who has not met all of the vesting requirements under the program, who has not provided volunteer fire fighting or emergency medical technical services for a municipality for a period of 6 months or more and who has not been granted a leave of absence by his or her supervisor shall be closed.

(k) The board shall equitably allocate all moneys in accounts of volunteer fire fighters and emergency medical technicians that have been forfeited or closed to the accounts of volunteer fire fighters and emergency medical technicians that have not been forfeited or closed.

(4) (a) The board shall establish by rule the requirements for, and the qualifications of, the individuals and organizations in the private sector that are eligible to provide administrative services and investment plans under the program, other than services funded from the appropriation under s. 20.505 (4) (ec). In establishing the requirements and qualifications, the board shall develop criteria of financial stability that each individual and organization must meet in order to offer the services and plans under the program.

(b) The board may contract with any individual or organization in the private sector that seeks to provide administrative services and investment plans required for the program, other than services funded from the appropriation under s. 20.505 (4) (ec), if the individual or organization fulfills the requirements and has the qualifications established by the board under par. (a). Section 16.72 (2) (b) does not apply to any such contract.

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

(6) Annually, on or before December 31, the board shall submit a report to the chief clerk of each house of the legislature under s. 13.172 (2) describing the activities of the board.

SECTION 4. 16.705 (1m) of the statutes is created to read:

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

SECTION 5. 16.71 (5) of the statutes is created to read:

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

SECTION 6. 16.72 (2) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

16.72 (2) (b) Except as provided in ss. 16.25 (4) (b), 16.751 and 565.25 (2) (a) 4., the department shall prepare or review specifications for all materials, supplies, equipment, other permanent personal property and contractual services not purchased under standard specifications. Such "nonstandard specifications" may be generic or performance specifications, or both, prepared to describe in detail the article which the state desires to purchase either by its physical properties or programmatic utility. When appropriate for such nonstandard items or services, trade names may be used to identify what the state requires, but wherever possible 2 or more trade names shall be designated and the trade name of any Wisconsin producer, distributor or supplier shall appear first.

SECTION 7. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

| | | 1999-00 | 2000-01 |
|---------------|---|---------------------|---------|
| 20.505 | Administration, department of | | |
| (4) | ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS | | |
| (ec) | Volunteer fire fighter and emergency medical technician service award program; general program operations | GPR A -0- | 75,000 |

SECTION 8. 20.505 (4) (ec) of the statutes is created to read:

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

SECTION 9. 20.505 (4) (er) of the statutes is created to read:

20.505 (4) (er) *Volunteer fire fighter and emergency medical technician service award program; state matching awards.* A sum sufficient to make the payments required under s. 16.25 (3) (d). The amount appropriated under this paragraph may not exceed \$2,000,000 in a fiscal year.

SECTION 10. Nonstatutory provisions.

(1) VOLUNTEER FIRE FIGHTER AND EMERGENCY MEDICAL TECHNICIAN SERVICE AWARD BOARD. Notwithstanding the length of terms specified for the members of the volunteer fire fighter and emergency medical technician service award board under section 15.105 (26) (a) of the statutes, as created by this act, the initial members shall be appointed for the following terms:

(a) The member specified under section 15.105 (26) (a) 1. of the statutes, as created by this act, and one member specified under section 15.105 (26) (a) 4. of the statutes, as created by this act, for terms expiring on May 1, 2002.

(b) The member specified under section 15.105 (26) (a) 2. of the statutes, as created by this act, and one member specified under section 15.105 (26) (a) 4. of the statutes, as created by this act, for terms expiring on May 1, 2003.

(c) The member specified under section 15.105 (26) (a) 3. of the statutes, as created by this act, one member specified under section 15.105 (26) (a) 4. of the statutes, as created by this act, and the member specified in section 15.105 (26) (a) 5. of the statutes, as created by this act, for terms expiring on May 1, 2004.

(2) AUTHORIZED POSITIONS FOR VOLUNTEER FIRE FIGHTER AND EMERGENCY MEDICAL TECHNICIAN SERVICE AWARD PROGRAM. The authorized FTE positions for the department of administration are increased by 1.0 GPR

project position, to be funded from the appropriation under section 20.505 (4) (ec) of the statutes, as created by this act, for the period ending on June 30, 2001, for the purpose of establishing the volunteer fire fighter and emergency medical technician service award program under section 16.25 of the statutes, as created by this act.

(3) RULES FOR VOLUNTEER FIRE FIGHTER AND EMERGENCY MEDICAL TECHNICIAN SERVICE AWARD PROGRAM.

(a) *Emergency rules.* Using the procedure under section 227.24 of the statutes, the volunteer fire fighter and emergency medical technician service award board may promulgate rules required under section 16.25 of the statutes, as created by this act, for the period before permanent rules become effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(b) *State contributions.* The emergency fire fighter and emergency medical technician service award board may not promulgate any rule that permits the board to make the adjustment described under section 16.25 (3) (d) of the statutes, as created by this act, before June 30, 2002.