

2005 SENATE BILL 577

February 6, 2006 – Introduced by Senators ZIEN, BROWN, S. FITZGERALD, GROTHMAN, LAZICH, MILLER and WIRCH, cosponsored by Representatives GUNDERSON, M. WILLIAMS, AINSWORTH, ALBERS, KERKMAN, PETROWSKI, RHOADES, SHERMAN, SUDER, VOS, WOOD and LEHMAN. Referred to Committee on Judiciary, Corrections and Privacy.

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.

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.

SENATE BILL 577

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:

SENATE BILL 577

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:

SENATE BILL 577

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

SENATE BILL 577

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.

SENATE BILL 577

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:

SENATE BILL 577

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

SENATE BILL 577

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.

SENATE BILL 577

1 **SECTION 24.** 108.05 (3) (a) of the statutes, as affected by 2005 Wisconsin Act 86,
2 is amended to read:

3 108.05 **(3)** (a) Except as provided in pars. (b) and (c), if an eligible employee
4 earns wages in a given week, the first \$30 of the wages shall be disregarded and the
5 employee's applicable weekly benefit payment shall be reduced by 67% of the
6 remaining amount, except that no such employee is eligible for benefits if the
7 employee's benefit payment would be less than \$5 for any week. For purposes of this
8 paragraph, "wages" includes any salary reduction amounts earned that are not
9 wages and that are deducted from the salary of a claimant by an employer pursuant
10 to a salary reduction agreement under a cafeteria plan, within the meaning of 26
11 USC 125, and any amount that a claimant would have earned in available work
12 which is treated as wages under s. 108.04 (1) (a), but excludes any amount that a
13 claimant earns for services performed as a volunteer fire fighter, volunteer
14 emergency medical technician, or volunteer first responder. In applying this
15 paragraph, the department shall disregard discrepancies of less than \$2 between
16 wages reported by employees and employers.

17 **SECTION 25. Initial applicability.**

18 (1) The treatment of section 108.05 (3) (a) of the statutes first applies with
19 respect to weeks of unemployment beginning on the effective date of this subsection.

20 **SECTION 26. Effective date.**

21 (1) The treatment of section 108.05 (3) (a) of the statutes takes effect on the first
22 Sunday after publication.

23 **(END)**