



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1265/P1  
MPG:jld:rs

DOA:.....Lawrence, BB0411 - Sum sufficient appropriation for emergency management volunteer claims

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**MILITARY AFFAIRS**

Under current law, an individual who is registered with a local unit of government as an emergency management volunteer is considered an employee of that local unit of government for worker's compensation purposes for an injury the volunteer suffers while providing emergency management services during a disaster, imminent threat of disaster, or related training exercise.

Under this bill, an individual who is registered with a local unit of government as an emergency management volunteer is considered an employee of the state, not the local unit of government, for worker's compensation purposes. The bill creates a sum sufficient appropriation for DMA to pay such a volunteer's worker's compensation claim based on an injury the volunteer suffers while providing emergency management services during a disaster, imminent threat of disaster, or related training exercise.

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

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

**SECTION 1.** 20.465 (3) (am) of the statutes is created to read:

20.465 (3) (am) *Worker's compensation for local unit of government volunteers.*

A sum sufficient to pay the worker's compensation claims of emergency management program volunteers under s. 323.40 (3) (a).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 2.** 323.40 (3) (a) of the statutes is renumbered 323.40 (3) (a) 1. and amended to read:

323.40 (3) (a) 1. Except as provided in par. (b), an individual who registers in writing with a local unit of government's emergency management program to provide his or her own labor without compensation, other than reimbursement for travel, lodging, or meals, during a disaster, an imminent threat of a disaster, or a related training exercise is considered an employee of the local unit of government state for worker's compensation under ch. 102 for purposes of any claim relating to the labor provided.

**SECTION 3.** 323.40 (3) (a) 2. of the statutes is created to read:

323.40 (3) (a) 2. If an individual who is considered an employee of the state under subd. 1. files a claim for worker's compensation relating to the individual's labor provided during a disaster, an imminent threat of a disaster, or a related training exercise, the local unit of government with which the individual is registered to provide that labor shall refer that claim to the department of military affairs, and, if the claim is payable under ch. 102, the department shall pay that claim from the appropriation under s. 20.465 (3) (am).

**SECTION 9331. Initial applicability; Military Affairs.**

(1) WORKER'S COMPENSATION FOR EMERGENCY MANAGEMENT PROGRAM VOLUNTEERS.

The treatment of section 20.465 (3) (am) of the statutes, the renumbering and amendment of section 323.40 (3) (a) of the statutes, and the creation of section 323.40 (3) (a) 2. of the statutes first apply to a claim for worker's compensation for an injury incurred by an emergency management program volunteer on the effective date of this subsection.

**(END)**