



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4670/P2
MLJ:klm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 323.18; *to amend* 323.18 (title), 323.40 (2),
2 323.40 (3) (a), 323.41 (2) and 323.41 (3) (a); and *to create* 323.02 (7m) and
3 323.18 (2) of the statutes; **relating to:** registration and tracking of volunteers
4 during a disaster (suggested as remedial legislation by the Department of
5 Military Affairs).

Analysis by the Legislative Reference Bureau

Under current law, a state agency may register or preregister volunteers to assist the agency during a disaster, an imminent threat of a disaster, or a related training exercise. This bill provides that such a registration must be in writing or made using an electronic system, and also provides that a local unit of government may register or preregister volunteers in the same manner. The bill also requires that a state agency or local unit of government keep track of all volunteers, from the time the volunteer checks in to begin service until the volunteer checks out at the end of service, in writing or using an electronic system to record the volunteer's name and telephone number, the location of the volunteer at all times during service, the time of the volunteer's check in, any location change, and check out, as well as the volunteer's assignment or function within incident command.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Military Affairs and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 323.02 (7m) of the statutes is created to read:

2 **323.02 (7m)** “Electronic volunteer accountability system” means an electronic
3 system or program used to maintain information about and accountability of
4 volunteers, their assignments or functions within incident command, and their
5 location.

NOTE: This SECTION defines “electronic volunteer accountability system.”

6 **SECTION 2.** 323.18 (title) of the statutes is amended to read:

7 **323.18 (title) State agency or local unit of government volunteers.**

8 **SECTION 3.** 323.18 of the statutes is renumbered 323.18 (1) and amended to
9 read:

10 **323.18 (1)** A state agency or a local unit of government may register or
11 preregister volunteers in writing or using an electronic volunteer accountability
12 system to assist the agency or local unit of government during a disaster, an
13 imminent threat of a disaster, or a related training exercise.

NOTE: This SECTION clarifies that a state agency or a local unit of government may use either a paper record or an electronic volunteer accountability system to register or preregister volunteers who assist the state agency or the local unit of government during a disaster, an imminent threat of a disaster, or a related training exercise.

14 **SECTION 4.** 323.18 (2) of the statutes is created to read:

1 323.18 (2) A state agency or local unit of government that registers or
2 preregisters volunteers under sub. (1) shall maintain a record, in writing or using an
3 electronic volunteer accountability system, of all volunteers from the time the
4 volunteer checks in to begin service until the volunteer checks out at the end of
5 service. Data points recorded under this subsection shall include, at a minimum, all
6 of the following for each volunteer:

7 (a) The volunteer's name and telephone number.

8 (b) The location of the volunteer at all times during service.

9 (b) The time of the volunteer's check in, any location change, and check out.

10 (c) The volunteer's assignment or function within incident command.

NOTE: This SECTION specifies the minimum amount of information that a state agency or a local unit of government must use to track a volunteer assisting such agency or unit during a disaster, an imminent threat of a disaster, or a related training exercise. It also specifies the period of time during which the information must be maintained, and that it may be maintained either as a paper record or in an electronic volunteer accountability system.

NOTE: SECTIONS 5 to 8 clarify that a state agency or a local unit of government may use either a paper record or an electronic volunteer accountability system to register or preregister volunteers who assist the state agency or the local unit of government during a disaster, an imminent threat of a disaster, or a related training exercise.

11 **SECTION 5.** 323.40 (2) of the statutes is amended to read:

12 323.40 (2) STATE AGENCY VOLUNTEERS. A volunteer who registers in writing or
13 using an electronic volunteer accountability system with a state agency to assist the
14 agency without compensation, other than reimbursement for travel, lodging, or
15 meals, during a disaster, an imminent threat of a disaster, or a related training
16 exercise is considered an employee of the agency for worker's compensation under
17 ch. 102, for purposes of any claim related to the assistance provided.

18 **SECTION 6.** 323.40 (3) (a) of the statutes is amended to read:

19 323.40 (3) (a) Except as provided in par. (b), an individual who registers in
20 writing or using an electronic volunteer accountability system with a local unit of

1 government's emergency management program to provide his or her own labor
2 without compensation, other than reimbursement for travel, lodging, or meals,
3 during a disaster, an imminent threat of a disaster, or a related training exercise is
4 considered an employee of the local unit of government for worker's compensation
5 under ch. 102 for purposes of any claim relating to the labor provided.

6 **SECTION 7.** 323.41 (2) of the statutes is amended to read:

7 323.41 (2) STATE AGENCY VOLUNTEERS. Except as provided in s. 323.45, a
8 volunteer who registers in writing or using an electronic volunteer accountability
9 system with a state agency to assist the agency without compensation, other than
10 reimbursement for travel, lodging, or meals, during a disaster, an imminent threat
11 of a disaster, or a related training exercise is considered an employee of the agency
12 under ss. 893.82 and 895.46, for purposes of any claim related to the assistance
13 provided.

14 **SECTION 8.** 323.41 (3) (a) of the statutes is amended to read:

15 323.41 (3) (a) Except as provided in par. (b), an individual who registers in
16 writing or using an electronic volunteer accountability system with a local unit of
17 government's emergency management program to provide his or her own labor
18 without compensation, other than reimbursement for travel, lodging, or meals,
19 during a disaster, an imminent threat of a disaster, or a related training exercise is
20 considered an employee of the local unit of government under ss. 893.80, 895.35, and
21 895.46 for purposes of any claim relating to the labor provided.

22 (END)