Date of enactment: **March 17, 2006**
2005 Senate Bill 577 Date of publication*: **March 31, 2006**

2005 WISCONSIN ACT 142

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

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 amended 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. 16.25 (title) of the statutes is amended to read:

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

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

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

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

16.25 **(1)** (am) "First responder" means an individual certified under s. 146.50 (8).

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

16.25 **(1)** (c) "Municipality" means a city, county, village or town.

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

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

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

16.25 **(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, to first responders in any municipality that authorizes first responders to provide first responder services, 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

* Section 991.11, WISCONSIN STATUTES 2003-04 : 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].

to treat the length–of–service awards as a tax–deferred benefit under the Internal Revenue Code.

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

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

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

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

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

16.25 (3) (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, first responders, 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.

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

16.25 (3) (d) 1. Subject to subd. 2., the board shall match all annual municipal contributions paid for volunteer fire fighters, first responders, 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, first responders, and emergency medical technicians.

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

16.25 (3) (e) A municipality may purchase additional years of service for volunteer fire fighters, first responders, 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, first responder service, or emergency medical technical service performed by the volunteer fire fighter, first responder, or emergency medical technician for the municipality.

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

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

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

16.25 (3) (g) A volunteer fire fighter, first responder, 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, first responder, 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, first responder, or emergency medical technician attains 20 years of service for a municipality and reaches the age of 60. If a volunteer fire fighter, first responder, 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, first responder, or emergency medical technician who has attained 20 years of service for a municipality and has reached the age of 60.

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

16.25 (3) (h) ~~A~~ The account of a volunteer fire fighter, first responder, 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~~ be closed if he or she should cease providing volunteer fire fighting, first responder, 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.

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

16.25 (3) (i) 1. The beneficiary of a volunteer fire fighter, first responder, or emergency medical technician who is killed in the line of duty or while actively engaged in the rendering of volunteer fire fighting, first responder, or emergency medical technical service 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, first responder, 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, first responder, or emergency medical technician who becomes disabled during his or her service as a volunteer fire fighter, first responder, 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.

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

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

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

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

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

16.25 (5) The board shall establish by rule a process by which a volunteer fire fighter, first provider, 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, first responder, or emergency medical technician under the program.

SECTION 20. 16.705 (1m) of the statutes is amended 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 21. 16.71 (5) of the statutes is amended 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 22. 20.505 (4) (ec) of the statutes is amended to read:

20.505 (4) (ec) *~~Volunteer fire fighter and emergency medical technician service~~ 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 23. 20.505 (4) (er) (title) of the statutes is amended to read:

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

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

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

SECTION 25. Initial applicability.

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

SECTION 26. Effective date.

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