



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-3368/1  
MLJ:cde

## 2021 SENATE BILL 374

May 25, 2021 - Introduced by Senators BALLWEG, WANGGAARD, BERNIER, BEWLEY, FEYEN, JACQUE, NASS and RINGHAND, cosponsored by Representatives LOUDENBECK, DALLMAN, BORN, JAMES, KERKMAN, MILROY, MOSES, MURSAU, OLDENBURG, PETERSEN, PLUMER, SHANKLAND, SORTWELL, SPREITZER, THIESFELDT and TUSLER. Referred to Committee on Veterans and Military Affairs and Constitution and Federalism.

1     AN ACT **to repeal** 323.70 (7) and 323.72 (5); **to consolidate, renumber and**  
2         **amend** 323.72 (3) (intro.) and (b); **to amend** 20.465 (3) (dr), 20.465 (3) (jt),  
3         323.70 (3), 323.70 (4) (intro.), 323.71 (3), 323.71 (4) (b), 323.72 (title), 323.72 (1),  
4         323.72 (2), 323.72 (4) and 895.483 (4); and **to create** 20.465 (3) (dv), 20.465 (3)  
5         (hm), 40.05 (2) (aw), 40.05 (2) (ax), 40.06 (8), 40.06 (9), 323.70 (3m), 323.72 (2m),  
6         323.72 (6) and 323.72 (7) of the statutes; **relating to:** a statewide urban search  
7         and rescue task force, regional emergency response teams, and making an  
8         appropriation.

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*Analysis by the Legislative Reference Bureau*

Under current law, regional structural collapse teams comprised of fire and rescue personnel from local agencies contract with the Division of Emergency Management in the Department of Military Affairs. The teams are required to respond to structural collapse incidents that meet criteria established by the division. Under current law, a team may respond only to incidents of structural collapse. This bill changes the team's designation from being a structural collapse team to an urban search and rescue task force, as designated by the National Fire Protection Association and Emergency Management Accreditation program standards. This change allows an urban search and rescue task force to respond to

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any incident involving structural collapse, rope rescue, vehicle extrication, machinery extrication, confined space, trench, excavation, and water operations.

Under current law, when a regional structural collapse team responds to an incident, the team must make a good faith effort to identify the party who is responsible for the structural collapse and provide that information to the Division of Emergency Management to seek reimbursement from that party. Any reimbursement to a regional structural collapse team is limited to the amounts collected by the Division of Emergency Management. Under the bill, this limitation on reimbursement is removed, and DMA must reimburse within 60 days local agencies that provided services as part of an urban search and rescue task force if agencies apply for reimbursement within 45 days of the conclusion of the task force's deployment. DMA may seek reimbursement for those services from any responsible party.

Under current law, regional emergency response teams consisting of hazardous materials responders from local agencies are contracted with the Division of Emergency Management. The teams are required to respond to certain releases of hazardous materials. Under current law, the Division of Emergency Management reimburses teams for response costs only if the team has made a good faith effort to identify the person responsible for the release and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the regional emergency response team. Under this bill, this limitation on reimbursement is removed, and DMA must reimburse within 60 days local agencies that provided services as part of a hazardous materials release emergency if agencies apply for reimbursement within 45 days of the conclusion of the response team's deployment. DMA may seek reimbursement for those services from any responsible party.

Under current law, local emergency response teams that respond to hazardous materials emergencies may seek reimbursement from the Division of Emergency Management if the team has responded in accordance with DMA rules for response and if the team has made a good faith effort to identify and seek reimbursement from the person responsible for the release and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the regional emergency response team. Under this bill, DMA must reimburse within 60 days local agencies that provided services if the local agency applies for reimbursement within 45 days of the conclusion of the response team's deployment.

The bill also allows DMA to reimburse a local agency for any increase in contributions for duty disability premiums because an employee incurred an injury while performing duties as a member of an urban search and rescue task force or a regional emergency response team.

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For further information see the state 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:***

1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

**2021-22            2022-23**

3           **20.465 Military affairs, Department of**

4           (3)      EMERGENCY MANAGEMENT SERVICES

5           (dv)     Urban search and rescue task

6           force	GPR	A	-0-	-0-
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7           (hm)     Urban search and rescue task

8           force supplement	PR	C	-0-	-0-
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9           **SECTION 2.** 20.465 (3) (dr) of the statutes is amended to read:

10          20.465 (3) (dr) *Emergency response supplement.* As a continuing  
11 appropriation, the amounts in the schedule to be used for response costs of a regional  
12 emergency response team that are not reimbursed from the appropriation under s.  
13 ~~323.70 (3) or (4)~~ 20.465 (3) (jt) and for response costs of a local agency that are not  
14 reimbursed under s. 323.71 (4).

15          **SECTION 3.** 20.465 (3) (dv) of the statutes is created to read:

16          20.465 (3) (dv) *Urban search and rescue task force.* The amounts in the  
17 schedule for training and equipment for an urban search and rescue task force under  
18 s. 323.72.

19          **SECTION 4.** 20.465 (3) (hm) of the statutes is created to read:

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1        20.465 (3) (hm) *Urban search and rescue task force supplement.* As a  
2 continuing appropriation, the amounts in the schedule to be used for response costs  
3 of a local agency for an urban search and rescue task force deployment under s.  
4 323.72 (1) and for reimbursement to a local agency for any increase in contributions  
5 for duty disability premiums under s. 40.05 (2) (aw) for employees who receive duty  
6 disability benefits under s. 40.65 because of an injury incurred while performing  
7 duties as a member of an urban search and rescue task force under a contract under  
8 s. 323.72 (1). All moneys received under s. 323.72 (3) as reimbursement for expenses  
9 incurred for an urban search and rescue task force response shall be credited to this  
10 appropriation account.

11        **SECTION 5.** 20.465 (3) (jt) of the statutes is amended to read:

12        20.465 (3) (jt) *Regional emergency response reimbursement.* All moneys  
13 received by the division of emergency management under s. 323.70 (4) for  
14 reimbursement of regional emergency response teams under s. 323.70 (3), and for  
15 reimbursement to a local agency for any increase in contributions for duty disability  
16 premiums under s. 40.05 (2) (ax) for employees who receive duty disability benefits  
17 under s. 40.65 because of an injury incurred while performing duties as a member  
18 of a regional emergency response team under a contract under s. 323.70 (2). All  
19 moneys received under s. 323.70 (4) as reimbursement for expenses incurred for a  
20 regional emergency response team response shall be credited to this appropriation  
21 account.

22        **SECTION 6.** 40.05 (2) (aw) of the statutes is created to read:

23        40.05 (2) (aw) For purposes of this subsection, the participating employer of an  
24 employee subject to s. 40.65 who is on a deployment, training, or readiness exercise  
25 as the member of an urban search and rescue task force under a contract under s.

1       323.72 (1) is the local agency, and the local agency shall contribute any additional  
2       percentage or percentages related to the deployment, training, or readiness exercises  
3       under a contract under s. 323.72 (1) as calculated by the actuary under s. 40.03 (5)  
4       (c). A local agency may seek reimbursement from the department of military affairs  
5       under s. 323.72 (2m).

6       **SECTION 7.** 40.05 (2) (ax) of the statutes is created to read:

7       **40.05 (2) (ax)** For purposes of this subsection, the participating employer of an  
8       employee subject to s. 40.65 who is responding to an emergency involving a level A  
9       release, or a potential level A release as a member of a regional emergency response  
10      team under a contract under s. 323.70 (2) is the local agency, and the local agency  
11      shall contribute any additional percentage or percentages related to response to an  
12      emergency involving a level A release, or a potential level A release under a contract  
13      under s. 323.70 (2) as calculated by the actuary under s. 40.03 (5) (c). A local agency  
14      may seek reimbursement from the department of military affairs under s. 323.70  
15      (3m).

16       **SECTION 8.** 40.06 (8) of the statutes is created to read:

17       **40.06 (8)** For periods during which a protective occupation participant who is  
18       a participating employee is on a deployment, training, or readiness exercise with an  
19       urban search and rescue task force under a contract under s. 323.72 (1), all of the  
20       following shall apply:

21           (a) The employer remits required contributions to the department under s.  
22       40.05 (1) (a) and (2) (a).

23           (b) The employer reports to the department service and earnings that are at  
24       least the same rate the employee would have received if the employee had not been  
25       on the deployment, training, or readiness exercise.

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1           **SECTION 9.** 40.06 (9) of the statutes is created to read:

2       **40.06 (9)** For periods during which a protective occupation participant who is  
3       a participating employee is responding to an emergency involving a level A release,  
4       or a potential level A release as a member of a regional emergency response team  
5       under a contract under s. 323.70 (2), all of the following shall apply:

6           (a) The employer remits required contributions to the department under s.  
7       40.05 (1) (a) and (2) (a).

8           (b) The employer reports to the department service and earnings that are at  
9       least the same rate the employee would have received if the employee had not been  
10      responding to an emergency involving a level A release or potential level A release.

11          **SECTION 10.** 323.70 (3) of the statutes is amended to read:

12       **323.70 (3)** The From the appropriations under s. 20.465 (3) (dr) and (jt), the  
13      division shall reimburse a regional emergency response team local agency  
14      contracted under sub. (2) for costs incurred by the team in responding to an  
15      emergency involving a level A release, or a potential level A release, if the team  
16      followed the procedures in the rules promulgated under sub. (7) (b) to determine if  
17      division determines that an emergency requiring —a— the response existed.  
18      Reimbursement under this subsection is limited to amounts collected under sub. (4)  
19      and the amounts appropriated under s. 20.465 (3) (dr). Reimbursement is available  
20      under s. 20.465 (3) (dr) only if the regional emergency response team has made a good  
21      faith effort to identify the person responsible under sub. (4) and that person cannot  
22      be identified, or, if that person is identified, the team has received reimbursement  
23      from that person to the extent that the person is financially able or has determined  
24      that the person does not have adequate money or other resources to reimburse the  
25      regional emergency response team shall be issued to the local agency within 60 days

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1       after receiving a complete application for reimbursement on a form prescribed by the  
2       division if the agency applies for reimbursement within 45 days after the conclusion  
3       of the deployment of the regional emergency response team.

4       **SECTION 11.** 323.70 (3m) of the statutes is created to read:

5       323.70 (3m) From the appropriation under s. 20.465 (3) (jt), the division shall  
6       reimburse a local agency under sub. (1) for costs incurred by the local agency for any  
7       increase in contributions for duty disability premiums under s. 40.05 (2) (ax) for  
8       employees who receive duty disability benefits under s. 40.65 because of an injury  
9       incurred while performing duties as a member of regional emergency response team  
10      under sub. (2).

11      **SECTION 12.** 323.70 (4) (intro.) of the statutes is amended to read:

12      323.70 (4) (intro.) A person shall reimburse the division for costs incurred by  
13      a regional emergency response team in responding to an emergency involving a level  
14      A release or a potential level A release if ~~the team followed the procedures~~  
15      established under sub. (7) (b) to determine if an emergency requiring the team's  
16      response existed and if any of the following conditions applies:

17      **SECTION 13.** 323.70 (7) of the statutes is repealed.

18      **SECTION 14.** 323.71 (3) of the statutes is amended to read:

19      323.71 (3) The From the appropriation under s. 20.465 (3) (dr), the division  
20      shall reimburse a local emergency response team for costs incurred by the team in  
21      responding to an emergency involving a hazardous substance release, or potential  
22      release, if ~~the team followed the procedures in the rules promulgated under s. 323.70~~  
23      (7) (e) to determine if division determines that an emergency requiring the team's  
24      response existed. ~~Reimbursement under this subsection is limited to the amount~~  
25      appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465

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1       (3) (dr) only if the local emergency response team has made a good faith effort to  
2 identify the person responsible under sub. (4) and that person cannot be identified,  
3 or, if that person is identified, the team has received reimbursement from that person  
4 to the extent that the person is financially able or has determined that the person  
5 does not have adequate money or other resources to reimburse the local emergency  
6 response team. Reimbursement under this subsection shall be issued to the local  
7 agency within 60 days after receiving a complete application for reimbursement on  
8 a form prescribed by the division if the agency applies for reimbursement within 45  
9 days after the conclusion of the deployment of the local emergency response team.

10      **SECTION 15.** 323.71 (4) (b) of the statutes is amended to read:

11       323.71 (4) (b) A local emergency response team may receive reimbursement  
12 under par. (a) only if the team followed the procedures established under s. 323.70  
13 (7) (c) to determine if division determines that an emergency requiring the team's  
14 response existed.

15      **SECTION 16.** 323.72 (title) of the statutes is amended to read:

16       **323.72** (title) **Structural collapse Urban search and rescue emergency**  
17 **response.**

18      **SECTION 17.** 323.72 (1) of the statutes is amended to read:

19       323.72 (1) A regional structural collapse team An urban search and rescue task  
20 force designated by the division shall assist in the at the direction of the division in  
21 an emergency response to a structural collapse incident in a region of this state  
22 designated by the division involving search, rescue, and recovery in the technical  
23 rescue disciplines to include structural collapse, rope rescue, vehicle extrication,  
24 machinery extrication, confined space, trench, excavation, and water operations in  
25 an urban search and rescue environment. Whenever a regional structural collapse

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1 team an urban search and rescue task force assists in an emergency response under  
2 this subsection, it the division shall determine under the rules promulgated under  
3 sub. (5) whether an emergency requiring the team's urban search and rescue task  
4 force's response existed. If the regional structural collapse team division determines  
5 that such an emergency existed, it shall make a good faith effort to identify the  
6 person who is required to reimburse the division under sub. (3) and shall provide that  
7 information to the division. The division shall contract with local agencies, as  
8 defined in s. 323.70 (1) (b), to establish no more than 4 regional structural collapse  
9 teams an urban search and rescue task force. A member of a regional structural  
10 collapse team an urban search and rescue task force shall meet the highest most  
11 current training, competency, and job performance requirement standards for a  
12 structural collapse team under search and rescue task force issued by the National  
13 Fire Protection Association standards NFPA 1006 and 1670 and the most current  
14 version of the urban search and rescue standard issued by the Emergency  
15 Management Accreditation program.

16 **SECTION 18.** 323.72 (2) of the statutes is amended to read:

17       323.72 (2) The From the appropriation under s. 20.465 (3) (h) or (hm), the  
18 division shall reimburse a regional structural collapse team local agency under sub.  
19 (1) for costs incurred by the team local agency in responding to an emergency  
20 involving a structural collapse incident if the team determines that a structural  
21 collapse emergency requiring a an urban search and rescue task force response  
22 existed as provided under the rules promulgated under sub. (5) if the division  
23 determines that such a response was necessary. Reimbursement under this  
24 subsection is limited to amounts collected under sub. (3). Reimbursement under this  
25 subsection is available only if the regional structure collapse team has identified the

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1 person who is required to reimburse the division under sub. (3) and provided that  
2 information to the division shall be issued to the local agency within 60 days after  
3 receiving a complete application for reimbursement on a form prescribed by the  
4 division if the agency applies for reimbursement within 45 days after the conclusion  
5 of the deployment of the urban search and rescue task force.

6       **SECTION 19.** 323.72 (2m) of the statutes is created to read:

7       **323.72 (2m)** From the appropriation under s. 20.465 (3) (hm), the division shall  
8 reimburse a local agency under sub. (1) for costs incurred by the local agency for any  
9 increase in contributions for duty disability premiums under s. 40.05 (2) (aw) for  
10 employees who receive duty disability benefits under s. 40.65 because of an injury  
11 incurred while performing duties as a member of an urban search and rescue task  
12 force under sub. (1).

13       **SECTION 20.** 323.72 (3) (intro.) and (b) of the statutes are consolidated,  
14 renumbered 323.72 (3) and amended to read:

15       **323.72 (3)** A person shall reimburse the division for costs incurred by ~~a regional~~  
16 ~~structural collapse team~~ an urban search and rescue task force in responding to an  
17 emergency if the team division determines under the rules promulgated under sub.  
18 (5) that an emergency requiring the team's urban search and rescue task force's  
19 response existed and that ~~one of the following conditions~~ applies:

20       (b) ~~The~~ the person caused the structural collapse emergency.

21       **SECTION 21.** 323.72 (4) of the statutes is amended to read:

22       **323.72 (4)** A member of ~~a regional structural collapse team~~ an urban search  
23 and rescue task force who is acting under a contract under sub. (1) is considered an  
24 employee of the state for purposes of worker's compensation benefits.

25       **SECTION 22.** 323.72 (5) of the statutes is repealed.

1           **SECTION 23.** 323.72 (6) of the statutes is created to read:

2           **323.72 (6)** The department of military affairs may submit to the joint  
3 committee on finance a request to supplement the appropriation account under s.  
4 20.465 (3) (hm) for the purposes for which the appropriation is made. If the  
5 cochairpersons of the committee do not notify the department within 14 working  
6 days after receiving the request that the cochairpersons have scheduled a meeting  
7 for the purpose of reviewing the request, the appropriation account under s. 20.465  
8 (3) (hm) shall be supplemented from the appropriation account under s. 20.865 (4)  
9 (a), as provided in the request. If, within 14 working days after receiving the request,  
10 the cochairpersons notify the department that the cochairpersons have scheduled a  
11 meeting for the purpose of reviewing the request, the appropriation account may be  
12 supplemented from the appropriation account under s. 20.865 (4) (a) only as  
13 approved by the committee. Notwithstanding s. 13.101 (3), the committee is not  
14 required to find that an emergency exists prior to supplementing the appropriation  
15 account under s. 20.465 (3) (hm).

16           **SECTION 24.** 323.72 (7) of the statutes is created to read:

17           **323.72 (7)** In this section, “urban search and rescue task force” means an all  
18 hazards rescue team that is a core component of a Search and Rescue Essential  
19 Support Function 9 (ESF 9) mission, including a type I urban search and rescue task  
20 force, type III urban search and rescue task force, or any component thereof, as  
21 designated by the Federal Emergency Management Agency National Incident  
22 Management System Search and Rescue resource typing system.

23           **SECTION 25.** 895.483 (4) of the statutes is amended to read:

24           **895.483 (4)** ~~A regional structural collapse team~~ An urban search and rescue  
25 task force, a member of such a team task force, and a local agency, as defined in s.

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1       323.70 (1) (b), that contracts with the division of emergency management in the  
2       department of military affairs for the provision of ~~a regional structural collapse team~~  
3       emergency services, are immune from civil liability for acts or omissions related to  
4       carrying out responsibilities under a contract under s. 323.72 (1).

5 (END)