



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3472/1
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2019 ASSEMBLY BILL 568

October 25, 2019 - Introduced by Representatives ROHRKASTE, KOLSTE, EDMING, JAMES, MILROY, LOUDENBECK, KITCHENS, BILLINGS, STUCK, SUBECK, TUSLER, PETERSEN, GRUSZYNSKI, DITTRICH, ANDERSON, VRUWINK, SPREITZER, SORTWELL, CONSIDINE, OHNSTAD and FELZKOWSKI, cosponsored by Senators ROTH, WANGGAARD, FEYEN, SHILLING, COWLES, BEWLEY, CARPENTER, TIFFANY, JACQUE and TESTIN. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to repeal* 323.72 (5); *to amend* 323.72 (title), 323.72 (1), 323.72 (2),
2 323.72 (3), 323.72 (4) and 895.483 (4); and *to create* 20.465 (3) (dv), 20.465 (3)
3 (hm), 40.05 (2) (aw), 40.06 (8), 323.72 (2m) and 323.72 (6) of the statutes;
4 **relating to:** a statewide urban search and rescue task force and making an
5 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a regional structural collapse team contracted with the Division of Emergency Management in the Department of Military Affairs is 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 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

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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.

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.

For further information see the *state* 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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

				2019-20	2020-21
3	20.465	Military affairs, Department of			
4	(3)	EMERGENCY MANAGEMENT SERVICES			
5	(dv)	Urban search and rescue task			
6		force	GPR A	500,000	500,000
7	(hm)	Urban search and rescue task			
8		force supplement	PR C	-0-	-0-

9 **SECTION 2.** 20.465 (3) (dv) of the statutes is created to read:

10 20.465 (3) (dv) *Urban search and rescue task force.* The amounts in the
11 schedule for training and equipment for an urban search and rescue task force under
12 s. 323.72.

13 **SECTION 3.** 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 4.** 40.05 (2) (aw) of the statutes is created to read:

12 40.05 (2) (aw) For purposes of this subsection, the participating employer of an
13 employee subject to s. 40.65 who is on a deployment, training, or readiness exercise
14 as the member of an urban search and rescue task force under a contract under s.
15 323.72 (1) is the local agency, and the local agency shall contribute any additional
16 percentage or percentages related to the deployment, training, or readiness exercises
17 under a contract under s. 323.72 (1) as calculated by the actuary under s. 40.03 (5)
18 (c). A local agency may seek reimbursement from the department of military affairs
19 under s. 323.72 (2m).

20 **SECTION 5.** 40.06 (8) of the statutes is created to read:

21 40.06 (8) For periods during which a protective occupation participant who is
22 a participating employee is on a deployment, training, or readiness exercise with an
23 urban search and rescue task force under a contract under s. 323.72 (1), all of the
24 following shall apply:

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

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

6 **SECTION 6.** 323.72 (title) of the statutes is amended to read:

7 **323.72** (title) ~~Structural collapse~~ **Urban search and rescue emergency**
8 **response.**

9 **SECTION 7.** 323.72 (1) of the statutes is amended to read:

10 323.72 (1) ~~A regional structural collapse team~~ An urban search and rescue task
11 force designated by the division shall assist in the any emergency response to a
12 structural collapse incident in a region of this state designated by the division
13 involving search, rescue, and recovery in the technical rescue disciplines to include
14 structural collapse, rope rescue, vehicle extrication, machinery extrication, confined
15 space, trench, excavation, and water operations in an urban search and rescue
16 environment. Whenever ~~a regional structural collapse team~~ an urban search and
17 rescue task force assists in an emergency response under this subsection, it the
18 division shall determine under the rules promulgated under sub. (5) whether an
19 emergency requiring the team's urban search and rescue task force's response
20 existed. If the ~~regional structural collapse team~~ division determines that such an
21 emergency existed, it shall make a good faith effort to identify the person who is
22 required to reimburse the division under sub. (3) ~~and shall provide that information~~
23 ~~to the division.~~ The division shall contract with local agencies, as defined in s. 323.70
24 (1) (b), to establish ~~no more than 4 regional structural collapse teams~~ an urban search
25 and rescue task force. A member of ~~a regional structural collapse team~~ an urban

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1 search and rescue task force shall meet the highest training, competency, and job
2 performance requirement standards for a structural collapse team search and rescue
3 task force under the National Fire Protection Association standards NFPA 472,
4 1006, and 1670, and the urban search and rescue standard by the Emergency
5 Management Accreditation program ANSI/EMAP 1-2016.

6 **SECTION 8.** 323.72 (2) of the statutes is amended to read:

7 323.72 (2) The From the appropriation under s. 20.465 (3) (h) or (hm), the
8 division shall reimburse a regional structural collapse team local agency under sub.
9 (1) for costs incurred by the team local agency in responding to an emergency
10 involving a structural collapse incident if the team determines that a structural
11 collapse emergency requiring a an urban search and rescue task force response
12 existed as provided under the rules promulgated under sub. (5) if the division
13 determines that such a response was necessary. Reimbursement under this
14 subsection is limited to amounts collected under sub. (3). Reimbursement under this
15 subsection is available only if the regional structure collapse team has identified the
16 person who is required to reimburse the division under sub. (3) and provided that
17 information to the division shall be issued to the local agency within 60 days after
18 receiving an application for reimbursement if the agency applies for reimbursement
19 within 45 days after the conclusion of the deployment of the urban search and rescue
20 task force.

21 **SECTION 9.** 323.72 (2m) of the statutes is created to read:

22 323.72 (2m) From the appropriation under s. 20.465 (3) (hm), the division shall
23 reimburse a local agency under sub. (1) for costs incurred by the local agency for any
24 increase in contributions for duty disability premiums under s. 40.05 (2) (aw) for
25 employees who receive duty disability benefits under s. 40.65 because of an injury

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1 incurred while performing duties as a member of an urban search and rescue task
2 force under sub. (1).

3 **SECTION 10.** 323.72 (3) of the statutes is amended to read:

4 323.72 (3) A person shall reimburse the division for costs incurred by ~~a regional~~
5 ~~structural collapse team~~ an urban search and rescue task force in responding to an
6 emergency if the ~~team~~ division determines ~~under the rules promulgated under sub.~~
7 ~~(5)~~ that an emergency requiring the ~~team's~~ urban search and rescue task force's
8 response existed and that one of the following conditions applies:

9 (a) The person possessed or controlled a ~~structure~~ property that was involved
10 in the ~~structural collapse~~ emergency.

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

12 **SECTION 11.** 323.72 (4) of the statutes is amended to read:

13 323.72 (4) A member of ~~a regional structural collapse team~~ an urban search
14 and rescue task force who is acting under a contract under sub. (1) is considered an
15 employee of the state for purposes of worker's compensation benefits.

16 **SECTION 12.** 323.72 (5) of the statutes is repealed.

17 **SECTION 13.** 323.72 (6) of the statutes is created to read:

18 323.72 (6) In this section, "urban search and rescue task force" means a type
19 1 urban search and rescue task force, type 3 urban search and rescue task force, or
20 any component thereof, as designated by the Federal Emergency Management
21 Agency National Incident Management System resource typing system.

22 **SECTION 14.** 895.483 (4) of the statutes is amended to read:

23 895.483 (4) ~~A regional structural collapse team~~ An urban search and rescue
24 task force, a member of such a ~~team~~ task force, and a local agency, as defined in s.
25 323.70 (1) (b), that contracts with the division of emergency management in the

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

4 (END)