

2019 DRAFTING REQUEST

Bill

For: **Mike Rohrkaste (608) 266-5719** Drafter: **mjohns**
 By: **Michael** Secondary Drafters:
 Date: **6/6/2019** May Contact: **Andrew in Kolste office**
 Same as LRB: **-4392**

Submit via email: **YES**
 Requester's email: **Rep.Rohrkaste@legis.wisconsin.gov**
 Carbon copy (CC) to: **Melinda.Johns@legis.wisconsin.gov**
MaryAlice.McGreevy@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Wisconsin State Collapse Rescue Team, line of duty disability

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mjohns 6/28/2019	anienaja 7/1/2019			
/P1	mmcgreev 7/24/2019	anienaja 7/26/2019	dwalker 7/1/2019		State
/P2	mmcgreev 8/14/2019	wjackson 8/14/2019	dwalker 7/26/2019		State
/P3	mjohns 8/26/2019	anienaja 8/27/2019	lparisi 8/14/2019		State
/P4			mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			dwalker 8/27/2019 9/19/2019	mbarman 9/20/2019	State

FE Sent For:

<END>

→ at Intro.

Johns, Melinda

From: Luckey, Michael
Sent: Thursday, June 06, 2019 2:13 PM
To: Johns, Melinda
Cc: Hoyer-Booth, Andrew
Subject: Wisconsin State Collapse Rescue Team - Changes
Attachments: 201906061357.pdf

Hi Melinda,

I've cc'd Andrew Hoyer-Booth from Rep. Kolste's office. She and Representative Rohrkaste will be working on a bill related to the Wisconsin State Collapse Rescue Team. We've had a few meetings with chiefs from participating fire departments, and they've made four major asks as it relates to that team. I attached their handout with those four items. It looks like all the statutory language there is under section 323.72, Wis. Stats., and anything governing response and reimbursement is under Chapter WEM 6 of the administrative code.

Regarding points 1 and 2 on their document:

I was told by Brian Satula, the Administrator for Wisconsin Emergency Management, that this team would like to be classified for Type 1 capability. Currently they are at Type 3. In order to do this, they would need the statutory change in point 1. That type of training, however, would require the \$500,000 annual appropriation in point 2. So we'd like to do both with this bill.

Regarding point 3:

When the team is deployed, the local departments that comprise the team await reimbursement from the state. In cases where it is difficult to determine a responsible party, like their recent deployment to Florida, these municipalities are covering the cost as they await payment from the state. We're trying to figure out a way to pay them immediately while the state can await reimbursement.

After talking with Brian Satula, it is probably best to make an appropriation line similar to that for state disaster assistance [20.465(3)(b)] specifically for use by this State Collapse Rescue Team. Any time it is deployed, DMA could request funding for that line as a 13.10 motion to JFC. We would specify that this money could be used to pay for the team's deployment in state, under the Emergency Management Assistance Compact (EMAC), or under the State and Province Emergency Management Assistance Compact. We would need to figure out from Wisconsin Emergency Management how the determination is made to deploy the team, and we could specify that only after that determination is made are any of these expenses allowable for reimbursement.

This would essentially then function as an "accounts receivable" line, where WEM would approach JFC to fund it to make payments to local governments, and then once reimbursement came back it would return the money back to the General Fund.

Regarding point 4:

I'm not sure how to go about doing this. If it creates a huge issue, you can leave it out of the draft for now.

Does all of this make sense? I'm happy to arrange a phone call or a meeting to go through some of this further. As for timeline, I understand you are probably very busy with the budget, so just let me know when you think you could do a /P draft.

Thank you,



Wisconsin State Fire Chiefs' Association

Together We Make A Difference

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Education • Prevention • Safety • Supression • EMS

Wisconsin State Collapse Rescue Team has been in existence since ~2005 and we are at a crossroad. The survival of the team and the capacity to help Wisconsin Residents is hanging in the balance. Support for these initiatives is imperative to the health, safety, and sustainability of the team. This is a critical resource that when properly funded and supported will have a broad impact on the survivability of our population impacted by natural and manmade disasters. What we need....

1. The authorizing statute does not allow the team to be utilized to its fully trained potential. The Wisconsin Collapse Rescue Task Force is not just a Collapse Rescue Team, they have All Hazards Urban Search and Rescue Capability. We need to amend the statutory authorization to include the All Hazards Mission. This will broaden the scope of practice for the team and make this investment much more valuable to Wisconsin residents. Capacity for collapse, trench, confined space, high angle, cave, wide area search, swift water rescue, and flood response are just a few capabilities that may not be realized with the current operational format.
2. The training and equipment for this program is funded through a federal homeland security grant. Eventually this grant will no longer be funded or funding priorities will change. We need to prepare for that eventuality. A funding mechanism similar to the State Hazardous Materials Team Program is needed to sustain the team and funded to a level justified by full team capacity of 250-270 members. Based on current year dollars we would need to begin at \$1.2 million to fully fund the program. The immediate need would be \$500,000 in general purpose dollars coupled with \$700,000 from Homeland Security Grant Funding. Future funding increment would be needed to wean the program off the Homeland Security Grant Program. This budget would provide for the administration, training, emergency exercises and equipment needs for the program.
3. None of these team members are employees of the State of Wisconsin when they are training or deployed. The team members are provided to the state with an agreement between the participating team member communities and state government. Member agencies are reimbursed for training in accordance to the agreement. Local communities are shoring up the response in providing this resource in the state. When a deployment occurs the local community must wait up to two years to be reimbursed. The State should have a mechanism to make communities whole through the Wisconsin Disaster Relief Fund and the state can be reimbursed from FEMA or the Private sector when the revenue from the assistance or assessment is received. This is a state resource and it should be funded through the state.
4. Line of Duty Disability – In the event that a team member is injured in the line of duty and is forced to retire, these disability benefits are charged back to the local municipality under WRS Law. We need a mechanism that releases a local community from bearing that cost when a member is disabled as a result of a state response.



STATE OF WISCONSIN
DEPARTMENT OF MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

Brian M. Satula
Administrator

Tony Evers
Governor



Wisconsin Task Force 1 (WI-TF1)
History and Issues Affecting Deployability

DRAFT
April 28, 2019

Prepared by:

Paul L. Cooke, Director
Bureau of Response & Recovery
Wisconsin Department of Military Affairs
Wisconsin Emergency Management
2400 Wright Street
Madison, WI 53707
Phone: 608-242-3204
Email: paul.cooke@wisconsin.gov

"Wisconsin Emergency Management (WEM) builds capabilities and coordinates resources to support a safe and resilient Wisconsin."

Background

Wisconsin Task Force 1 (WI-TF1) is a team of individuals specializing in urban hazard mitigation, search and rescue, and incident stabilization. While their emphasis is the location and extrication of victims trapped in collapsed structures or confined spaces, the task force has the needed capabilities to respond to state and national disasters including earthquakes, hurricanes, tornadoes, floods, and man-made technological and terrorist events. WI-TF1 is a response asset operated and managed by Wisconsin Emergency Management (WEM), funded through federal Homeland Security funds.

WI-TF1 is comprised of about 140 highly-trained personnel including structural engineers, canine handlers, technical search specialists, doctors, and advanced rescue personnel. Many of the members of WI-TF1 are firefighters with local fire departments that have an agreement with WEM to make their personnel available for training and deployment. The participating fire departments are reimbursed by the State when their personnel are participating in WI-TF1 activities.

There are currently 11 fire departments that participate on the task force. These are: Antigo, Appleton, Beloit, Chippewa Falls, Green Bay, Janesville, La Crosse, Menomonie, Neenah-Menasha, Oshkosh, and Superior.¹ Several instructors and other personnel assigned to the Regional Emergency All Climate Training (REACT) Center are also members of the Task Force or provide support services.

Members of WI-TF1 receive over 300 hours of general rescue and position-specific training to be qualified to function in their assigned roles. Task force members also have annual training requirements including 3 quarterly training sessions and participation in a 72-hour operational readiness exercise every other year.

Task Force members are prepared to respond to large-scale disasters and are trained and equipped to locate, treat, and extricate victims trapped in collapsed structures. The capabilities of WI-TF1 are not designed to replace the highly trained local responders in our state, but rather, is built and maintained to support and enhance these local responders in times of disaster.

Capabilities inherent to WI-TF1:

- Assessment, management, and coordination of chaotic or large incidents
- Technical, Wide Area, and K9 Search organization, management, and execution

¹ WI-TF1 is currently operating under a six-month extension of the contract for “Statewide Structural Collapse Team Members” that was set to expire on December 31, 2018. Only 9 of the 11 participating jurisdictions have executed the extension. The two departments that are not currently participating in WI-TF1 activities are Green Bay and Oshkosh.

- Access and Rescue of victims from a wide variety of technical and disaster situations
- Advanced medical care
- Establish and maintain communications, both internal and outside of WI-TF1. This includes radio, cellular, and internet using internal communications cache and outside resources
- Hazardous materials assessment and monitoring
- Structural assessment
- Robust equipment cache, including a vehicle fleet and base of operations (tents)
- Self-sustaining for 72 hours (food, shelter, water, sanitation)
- Deployable up to 14 continuous days

WI-TF1 is available to stricken communities at the request of local emergency managers through the WEM Duty Officer.

Once requested and approved for deployment by WEM, the main body of WI-TF1 musters at the REACT Center located at Volk Field Air National Guard Base, with the goal of being on the road to the disaster site within 6 hours. A liaison team is deployed directly to the incident site to work with the local incident commander and to prepare space for the arrival of the task force.

Mission-Ready Packages

WI-TF1 is working to increase its value to local communities by developing Mission-Ready Packages (MRPs) or modular response capabilities designed to address specific response and recovery needs. The types of MRPs being developed include:

- Canine Search
- Command Support
- Logistics Support
- Search Support
- Structures Specialist Support
- Water Rescue Mission Ready Package

History

The origins of WI-TF1 can be traced back to the terrorist attacks of September 11, 2001, which highlighted the critical role first responders play at the state and local level when a disaster or emergency strikes. In recognition of this, Congress appropriated billions of dollars for domestic preparedness, a large portion of which was earmarked to enhance the ability of first responders to address future emergencies, including potential terrorist attacks.

The Wisconsin fire service identified the need for a network of light, medium, and heavy structural collapse teams, and a total of 13 such teams were formed, equipped, and trained utilizing federal Homeland Security Grant funds. In the years that followed, it was recognized that the diminishing federal funding would not sustain the network of structural collapse teams across the state, prompting a reexamination of the approach by a committee of the Wisconsin State Fire Chiefs Association. The fire chiefs recommended that the network should consist of no more than four regional teams, under contract with the State through Wisconsin Emergency Management. This was enacted under 2009 Wisconsin Act 43, effective October 6, 2009 and codified under § 323.72 of the Wisconsin Statutes.

Ultimately, it was decided that one statewide team, comprised of the remaining 11 fire departments that were part of the structural collapse team network, would be created. It was the intent to model the team on the Federal Emergency Management Agency (FEMA) Urban Search and Rescue (US&R) Task Forces that were created as part of the National Urban Search and Rescue Response System.² The primary capabilities to be addressed by the Statewide Structural Collapse Team were structural collapse, confined space rescue, trench rescue, as well as high and low angle rope rescue.

The result was the creation of Wisconsin Task Force 1 (WI-TF1) when contracts for “Statewide Structural Collapse Team Members” were executed with the 11 local governments whose fire departments participate on the task force. Funding to equip the task force and to train and exercise its members came almost exclusively from federal Homeland Security Grant funds.

Historical Funding

Following is the investment made from federal Homeland Security Grant funds to support training, exercising and equipment for Wisconsin Task Force 1, by fiscal year:

FY04	\$ 3,598,614
FY05	\$ 3,313,616
FY06	\$ 1,176,693
FY07	\$ 1,388,209
FY08	\$ 1,085,799
FY09	\$ 2,000,000 (2-year budget)
FY11	\$ 1,000,000
FY13	\$ 600,000
FY14	\$ 620,000

² “As recommended by the Wisconsin State Fire Chiefs Association, the focus is now on one statewide team instead of four regional teams. WEM will serve as the lead agency for development, implementation, and coordination. The one statewide team concept partially mirrors current FEMA structural collapse teams.” 2010 Annual Report on Wisconsin Homeland Security, Wisconsin Department of Military Affairs, Wisconsin Homeland Security Council.

FY15 \$ 761,250
FY16 \$ 814,702
FY17 \$ 880,609
FY18 \$ 700,000

Total **\$17,939,492**

Historical Deployments

Since its creation, WI-TF1 has been mobilized four times, twice as a US&R Task Force and twice for its Water Rescue MRP. The first ever mobilization of WI-TF1 occurred on the morning of June 1, 2017 at the request of the fire chief of the Cambria Volunteer Fire Department to assist in the search for victims following the explosion and structural collapse of the Didion Milling plant. WI-TF1 operated through the night and was demobilized after completing its mission on the afternoon of June 2, 2017.

WI-TF1 also deployed to Florida on September 10, 2017 in the aftermath of Hurricane Irma under an EMAC request. The Task Force had been requested to assist with search and rescue efforts in the Jacksonville area, but the mission was cancelled two days later when damage from the hurricane was less severe than anticipated in that area.

During the severe storms that Wisconsin experienced in August-September 2018 (which later became federal disaster DR-4402) WI-TF1's water rescue capabilities were mobilized twice:

- On August 28, 2018, a total of 22 personnel of WI-TF1 were mobilized due to multiple requests for water rescue resources. Over the course of two operational periods, WI-TF1 personnel rescued or evacuated 26 civilians and 5 dogs during water operations in Crawford County. The task force was demobilized on August 30, 2018 when the need for water rescue resources diminished.
- On September 4, 2019, due to continued storms and rising flood waters, the need for additional water rescues was anticipated and 21 personnel of WI-TF1 were mobilized and staged at the REACT Center (Volk Field) to be deployed for flood/swift water incidents in the state. The task force was not assigned to any incidents and was demobilized the following day.

Issues Affecting Deployability

As presented by the WI-TF1 participating fire chiefs, there are four issues that must be addressed to maintain the task force as a viable response asset for the State of Wisconsin. These include:

1. Scope of practice of the team
2. Reimbursement and reimbursement process
3. Sustainable funding
4. Line of Duty Disability

Each of these issues is discussed below.

Scope of Practice of the Team

Wisconsin Statutes § 323.72 refers to the team as a structural collapse team and the current contract refers to the team as the Statewide Structural Collapse Team. However, the team is a fully functional Urban Search and Rescue Task Force with all-hazards capability. This includes swift water rescue capability that was added in 2018 to achieve accreditation as a NIMS Type 1 US&R Task Force and address a capability gap that exists in the state.

An effort was made to address this through the contract in 2016 (for the January 1, 2017 – December 31, 2018 contract period):

- Definitions for Urban Search and Rescue (US&R), Urban Search and Rescue Task Force (US&R Task Force), and WI Task Force 1 Urban Search and Rescue (WI-TF1) were added to the contract.
- The “Statewide Structural Collapse team” as it is referred to in Wisconsin law was defined in the contract as meaning Wisconsin Task Force 1 Urban Search and Rescue (abbreviated as WI-TF1). All references to “Statewide Structural Collapse team” were replaced with WI-TF1.
- All references to “structural collapse” were replaced with Urban Search and Rescue or US&R.
- All references to “structural collapse incidents” was amended to simply say “incidents”.
- The following was added to Paragraph 3.6 “Response Procedures and Limitations”: “Contractor and Division agree that the Statewide Structural Collapse team or components of the team may be utilized for any incident for which its members are trained and qualified including wide area searches. It is recognized that the Statewide Structural Collapse team is organized as an Urban Search and Rescue Task Force and its capabilities are not limited to structural collapse.”

Despite these contractual changes, the WI-TF1 participating fire chiefs are seeking to amend Wisconsin Statutes to reflect that the services provided are not limited to structural collapse. Wis. Stat. § 323.72 (2) reads, in part, “The division shall reimburse a regional structural collapse team for costs incurred by the team in responding to an emergency involving a structural collapse incident if the team determines that a structural collapse emergency requiring a response existed . . .”

The WI-TF1 participating fire chiefs seek certainty that they will be reimbursed for incidents other than structural collapse incidents.

Operationally, the fire chiefs wish to continue to pursue accreditation as a Type 1 US&R Task Force, which will require additional personnel.

Reimbursement and Reimbursement Process

Under current law, the participating jurisdictions are reimbursed for the response of task force members to an incident only when there is a responsible party identified and then, reimbursement is limited to amounts collected from the responsible party. The current contract calls for the participating fire departments to invoice WEM for their expenses related to the deployment, for WEM to bill the responsible party, and for WEM to reimburse the participating fire departments once it has received payment from the responsible party.

The WI-TF1 participating fire chiefs are requesting that Wisconsin Statutes and the contract with WEM be amended to ensure their jurisdictions are made whole regardless as to whether there is a responsible party. Furthermore, they would like to be reimbursed by the State without regard for when or if the State is reimbursed by a responsible party of other entity (such as FEMA for declared disasters).

The following are related issues:

- Under current law [Wis. Stat. §323.72 (3)(a) and (b)] a responsible party is defined as the person who possessed or controlled a structure that was involved in the structural collapse, or the person caused the structural collapse.
- It is anticipated that natural disasters (floods and tornadoes) will be the primary incident for which the services of WI-TF1 will be requested. In the case of a natural disaster where a federal declaration is made a claim can be submitted to FEMA, but would be subject to limitations, such as:
 - FEMA will only reimburse for responses made in counties that are part of the declaration.
 - FEMA will only reimburse for time working and will not reimburse for standby or rest/recuperation time.
 - FEMA will only reimburse the 75% federal share of expenses and will not reimburse backfill expenses.
- The services of WI-TF1 could also be requested in the event of acts of terror, for which a responsible party might not be identified.
- In the case of Emergency Management Assistance Compact (EMAC) deployments, many requesting states do not pay backfill expenses and there is no uniform reimbursement process.

It took over a year for the State to be reimbursed by the responsible party in the case of the Cambria incident, and reimbursement was made only after DMA General Counsel became involved. For the EMAC deployment to Florida, the State of Wisconsin is still awaiting reimbursement, as are the local jurisdictions that provided resources. WEM has gone back and forth with the State of Florida on several occasions providing information in support of our reimbursement request. While the participating fire departments have been reimbursed for the response to the August-September 2018 flooding, the state has not yet been reimbursed by FEMA.

Since WEM does not have a source of funding to pay for task force deployments and the federal Homeland Security Grant cannot be used for responses, the fire chiefs are seeking a source of funding to reimburse the participating local jurisdictions for responses. This, in addition to statutory changes necessary to reimburse the participating local jurisdictions in situations where there is no responsible party and in advance of the state being reimbursed (in cases where there is a responsible party).

The fiscal impact of providing General Purpose Revenue (GPR) support for responses of WI-TF1 is difficult to estimate. Factors affecting this include: the number and nature of responses, the size of the response force, the number of days activated, and whether there is a responsible party that will reimburse the State. While there are controls in place to ensure that the correct resource is mobilized in response to a local request, there is some concern that the number of requests for WI-TF1 will increase if it is known that GPR funding will pay for the response.

Sustainable Funding

As mentioned previously, the training, exercise, and equipment needs of WI-TF1 have historically been funded almost exclusively from the federal Homeland Security Grant. Over the years, the amount of homeland security dollars allocated to the program has been declining.

The fire chiefs acknowledge that the task force cannot be funded exclusively from federal homeland security grant funds indefinitely and recognize that the current level of funding is insufficient to increase the number of participants for the purposes of succession planning and achieving accreditation as a NIMS Type 1 US&R Task Force.

To increase the number of members of the task force from 140 members to the 250-270 needed for a Type 1 US&R Task Force and to fully fund the training and equipment needs of WI-TF1 at a sustainment level, the fire chiefs estimate that \$1.2 million is needed annually. The federal Homeland Security Grant currently provides about \$700,000 in annual funding for equipment, training, and exercising. Thus, the WI-TF1 participating fire chiefs are seeking legislative authorization of an annual GPR appropriation of \$500,000.

It is important to note there is no guarantee of funding from the federal Homeland Security Grant as both federal and state funding priorities might change. If funding priorities change and the amount of federal Homeland Security Grant funds that are allocated to WI-TF1 are reduced or eliminated, the amount of GPR needed to sustain the task force would correspondingly increase.

Worker's Compensation Benefits

Wisconsin Statute § 323.72 (4) reads: "A member of a regional structural collapse team who is acting under a contract under sub. (1) is considered an employee of the state for purposes of worker's compensation benefits."

The issue the fire chiefs that currently participate with WI-TF1 seek to address relates to loss time injuries. If a task force member is injured during training or a deployment and the injury results in lost time, in most cases they will be compensated at a lower pay rate than they would if they were considered as on-duty with the local government.

Resolution of this issue would require a legislative means to ensure the injured task force member receives worker's compensation benefits as a state employee, but that lost time be calculated based on the higher local government pay rate.

While the WI-TF1 participating fire chiefs have requested additional changes to the contract for services, there are no others that would necessitate legislative action.

ATTACHMENT 1

**CHAPTER 323
EMERGENCY MANAGEMENT**

323.72 Structural collapse emergency response.

(1) A regional structural collapse team shall assist in the emergency response to a structural collapse incident in a region of this state designated by the division. Whenever a regional structural collapse team assists in an emergency response under this subsection, it shall determine under the rules promulgated under sub. (5) whether an emergency requiring the team's response existed. If the regional structural collapse team determines that such an emergency existed, it shall make a good faith effort to identify the person who is required to reimburse the division under sub. (3) and shall provide that information to the division. The division shall contract with local agencies, as defined in s. 323.70 (1) (b), to establish no more than 4 regional structural collapse teams. A member of a regional structural collapse team shall meet the highest standards for a structural collapse team under the National Fire Protection Association standards NFPA 1006 and 1670.

(2) The division shall reimburse a regional structural collapse team for costs incurred by the team in responding to an emergency involving a structural collapse incident if the team determines that a structural collapse emergency requiring a response existed as provided under the rules promulgated under sub. (5). Reimbursement under this subsection is limited to amounts collected under sub. (3). Reimbursement under this subsection is available only if the regional structure collapse team has identified the person who is required to reimburse the division under sub. (3) and provided that information to the division.

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

- (a) The person possessed or controlled a structure that was involved in the structural collapse.
- (b) The person caused the structural collapse.

(4) A member of a regional structural collapse team who is acting under a contract under sub. (1) is considered an employee of the state for purposes of worker's compensation benefits.

(5) (a) The division shall promulgate rules establishing standards to be used to determine if a regional structural response team has made a good faith effort to identify the person who is required to reimburse the division under sub. (3).

(b) The division shall promulgate rules that establish the procedures that a regional structural collapse team shall follow to determine if a structural collapse emergency requiring the team's response existed.

Michael Luckey

Office of Representative Mike Rohrkaste
Wisconsin State Assembly
(608) 266-5719



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3472?
MLJ&MIM:...

DME 6/28/19
6/7/11 ok if necessary

JPI
amv

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA-
Xref-
Pwf-

GEN-

- 1 AN ACT ...; **relating to:** a statewide urban search and rescue task force and
- 2 making an 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's standards. This change allows an urban search and rescue task force to respond to any incident involving the location, rescue, and initial medical stabilization of a victim trapped in a confined space.

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 local agencies that provide services as part of the urban search and rescue task force that apply for reimbursement within 14 days of the conclusion of the task force's deployment must be reimbursed by DMA within 60 days. DMA may seek reimbursement for those services from any responsible party.

The bill also provides that a member of a regional structural collapse team who receives duty disability benefits because of a disability incurred while performing

Insert Anal

duties as a member of the team is considered an employee of the state for purposes of the benefit.

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

*\$*250,000

*\$*250,000

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

2019-20 2020-21

9 **20.465 Military affairs, department of**

10 (3) EMERGENCY MANAGEMENT SERVICES

11 (dx) Urban search and rescue task

chms

force supplement,

GPR

C

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ce \$0

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ce \$0

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

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

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

hml

1

2 ~~20.465 (3) (dx)~~ ^{ghm} *Urban search and rescue task force supplement*. As a continuing
3 appropriation, the amounts in the schedule to be used for response costs of a local
4 agency for an urban search and rescue task force deployment under s. 323.72 (1). All
5 moneys received under s. 323.72 (3) as reimbursement for expenses incurred for an
6 urban search and rescue task force response shall be credited to this appropriation
7 account.

8 **SECTION 5.** 40.02 (48) (c) of the statutes is amended to read:

9 40.02 (48) (c) In s. 40.65, “protective occupation participant” means a
10 participating employee who is a police officer, fire fighter, an individual determined
11 by a participating employer under par. (a) or (bm) to be a protective occupation
12 participant, county undersheriff, deputy sheriff, state probation and parole officer,
13 county traffic police officer, conservation warden, state forest ranger, field
14 conservation employee of the department of natural resources who is subject to call
15 for forest fire control or warden duty, member of the state traffic patrol, state motor
16 vehicle inspector, University of Wisconsin System full-time police officer, guard or
17 any other employee whose principal duties are supervision and discipline of inmates
18 at a state penal institution, excise tax investigator employed by the department of
19 revenue, person employed under s. 60.553 (1), 61.66 (1), or 62.13 (2e) (a), ~~or~~ special
20 criminal investigation agent employed by the department of justice, or member of an
21 urban search and rescue task force who is acting under a contract under s. 323.72
22 (1).

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

24 **323.72 (title) ~~Structural collapse~~ Urban search and rescue emergency**
25 **response.**

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

1 323.72 (1) ~~A regional structural collapse team~~ An urban search and rescue task
2 force designated by the division shall assist in the any emergency response to a
3 ~~structural collapse incident in a region of this state designated by the division~~
4 involving the location, rescue, and initial medical stabilization of a victim trapped
5 in a confined space. Whenever ~~a regional structural collapse team~~ an urban search
6 and rescue task force assists in an emergency response under this subsection, ~~it~~ the
7 division shall determine under the rules promulgated under sub. (5) whether an
8 emergency requiring the team's urban search and rescue task force's response
9 existed. If the ~~regional structural collapse team~~ division determines that such an
10 emergency existed, it shall make a good faith effort to identify the person who is
11 required to reimburse the division under sub. (3) ~~and shall provide that information~~
12 ~~to the division.~~ The division shall contract with local agencies, as defined in s. 323.70
13 (1) (b), to establish ~~no more than 4 regional structural collapse teams~~ an urban search
14 and rescue task force. A member of ~~a regional structural collapse team~~ an urban
15 search and rescue task force shall meet the highest standards for a structural
16 collapse team Type 1 urban search and rescue task force under the National Fire
17 Protection Association standards NFPA 472, 1006, and 1670.

History: 2009 a. 43 s. 1; Stats. 2009 s. 323.72; 2011 a. 258 s. 67.

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

19 323.72 (2) The From the appropriation under s. 20.465 (3) (dx) or (h), the
20 division shall reimburse a ~~regional structural collapse team~~ local agency under sub.
21 (1) for costs incurred by the team local agency in responding to an emergency
22 ~~involving a structural collapse incident if the team determines that a structural~~
23 ~~collapse emergency requiring~~ a an urban search and rescue task force response
24 ~~existed as provided under the rules promulgated under sub. (5) if the division~~

1 determines that such a response was necessary. Reimbursement under this
2 subsection is limited to amounts collected under sub. (3). Reimbursement under this
3 subsection is available only if the regional structure collapse team has identified the
4 person who is required to reimburse the division under sub. (3) and provided that
5 information to the division shall be issued to the local agency within 60 days after
6 receiving an application for reimbursement if the agency applies for reimbursement
7 within 14 days after the conclusion of the deployment of the urban search and rescue
8 task force.

History: 2009 a. 43 s. 1; Stats. 2009 s. 323.72; 2011 a. 258 s. 67.

9 **SECTION 9.** 323.72 (3) of the statutes is amended to read:

10 323.72 (3) A person shall reimburse the division for costs incurred by a regional
11 structural collapse team an urban search and rescue task force in responding to an
12 emergency if the team division determines under the rules promulgated under sub.
13 (5) that an emergency requiring the team's urban search and rescue task force's
14 response existed and that one of the following conditions applies:

15 (a) The person possessed or controlled a structure that was involved in the
16 structural collapse emergency.

17 (b) The person caused the structural collapse emergency.

History: 2009 a. 43 s. 1; Stats. 2009 s. 323.72; 2011 a. 258 s. 67.

18 **SECTION 10.** 323.72 (4) of the statutes is amended to read:

19 ~~323.72 (4)~~ A member of a regional structural collapse team an urban search
20 and rescue task force who is acting under a contract under sub. (1) is considered an
21 employee of the state for purposes of worker's compensation benefits and duty
22 disability benefits under s. 40.65.

History: 2009 a. 43 s. 1; Stats. 2009 s. 323.72; 2011 a. 258 s. 67.

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3472/P1ins
MLJ&MIM:amn

INSERT ANAL

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 14 days of the conclusion of the task force's deployment.

INSERT 6-2

1 **SECTION 1.** 895.483 (4) of the statutes is amended to read:

2 895.483 (4) ~~A regional structural collapse team~~ An urban search and rescue
3 task force, a member of such a ~~team~~ task force, and a local agency, as defined in s.
4 323.70 (1) (b), that contracts with the division of emergency management in the
5 department of military affairs for the provision of ~~a regional structural collapse team~~
6 emergency services, are immune from civil liability for acts or omissions related to
7 carrying out responsibilities under a contract under s. 323.72 (1).

History: 1991 a. 104; 1995 a. 13, 201; 1997 a. 27; 2001 a. 16; 2009 a. 42, 43; 2011 a. 258.

Johns, Melinda

From: Luckey, Michael
Sent: Wednesday, July 10, 2019 1:20 PM
To: Johns, Melinda; McGreevy, Mary Alice
Subject: FW: Draft review: LRB -3472/P1

Hi Melinda and Mary Alice,

Below are the comments from Paul Cooke at WEM for the /P1 of the state collapse bill draft. The fire chiefs were all supportive of his suggestions. Would you be able to review and adopt them in a /P2?

Also, I know that Tarna at ETF is meeting with some legal staff to discuss a workaround for the duty disability piece, similar to how benefits are paid to the spouses and families of firefighters who have died in the line of duty. That's taking place tomorrow, so we should have more information then.

Thank you,

Michael Luckey

Office of Representative Mike Rohrkaste
Wisconsin State Assembly
(608) 266-5719

From: Cooke, Paul - DMA <Paul.Cooke@wisconsin.gov>
Sent: Tuesday, July 2, 2019 1:40 PM
To: Luckey, Michael <Michael.Luckey@legis.wisconsin.gov>
Cc: Hunter, Tarna - ETF <Tarna.Hunter@etf.wi.gov>; Hoyer-Booth, Andrew <Andrew.Hoyer-Booth@legis.wisconsin.gov>; 'Fire Chief David Bloom' <bloomd@town.madison.wi.us>; Satula, Brian - DMA <Brian.Satula@wisconsin.gov>
Subject: FW: Draft review: LRB -3472/P1

Michael,

Brian Satula asked me to take a look at this draft legislation. Following are my review comments:

Page 4, Lines 2-3 reads: "involving the location, rescue, and initial medical stabilization of a victim trapped in a confined space." I am concerned that this language is still limiting and would not allow for operations such as swift/flood water rescue or wide area search and rescue. I believe we should recommend using the FEMA NIMS Resource Typing Definition for Urban Search and Rescue (US&R) Task Force: "An Urban Search and Rescue (US&R) Task Force is a multi-disciplined organization which conducts search, rescue, and recovery in the technical rescue disciplines to include: structural collapse, rope rescue, vehicle extrication, machinery extrication, confined space, trench, excavation, and water operations in a US&R environment."

Page 4, Lines 12-15 reads: "A member of an urban search and rescue task force shall meet the highest standards for a Type 1 urban search and rescue task force under the National Fire Protection Association standards NFPA 472, 1006, and 1670." These referenced NFPA standards do not differentiate between Types of US&R Task forces. The FEMA NIMS Resource Typing Standard makes this differentiation. Additionally, the

NFPA Standards set forth minimum levels of competence, so requiring the highest standard is problematic. I believe this should read: "A member of an urban search and rescue task force shall meet the training, competency, and job performance requirements standards for a search and rescue task force under the National Fire Protection Association standards NFPA 472, 1006, and 1670, and the Urban Search and Rescue Standard by the Emergency Management Accreditation Program EMAP, ANSI/EMAP 1-2016" (Note: I believe the EMAP National US&R Standard should be included as a reference document).

If the legislative goal is to have a Type 1 US&R Task Force, it should probably just say this somewhere (like Page 3, Line 24).

Following is a description of the referenced standards:

NFPA 472 - Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents

This standard identifies the minimum levels of competence required by responders to emergencies involving hazardous materials/weapons of mass destruction (WMD).

NFPA 1006 - Standard for Technical Rescue Personnel Professional Qualifications

This standard identifies the minimum job performance requirements (JPRs) for fire service and other emergency response personnel who perform technical rescue operations.

NFPA 1670 - Standard on Operations and Training for Technical Search and Rescue Incidents

This standard identifies and establishes levels of functional capability for efficiently and effectively conducting operations at technical search and rescue incidents while minimizing threats to rescuers.

Urban Search and Rescue Standard by EMAP - National US&R Standard (ANSI/EMAP 1-2016) The Urban Search and Rescue (US&R) Standard by Emergency Management Accreditation Program (EMAP) is designed as a tool for continuous improvement as part of a voluntary certification process for US&R Resources. The US&R Standard by EMAP establishes criteria for the administration, operational, and logistics readiness of Urban Search and Rescue Teams in support of the National Urban Search and Rescue Response System.

✓ **Page 5, Lines 12-13 reads:** "The person possessed or controlled a structure that was involved in the emergency." Again, this language is limiting to structures. I recommend amending this to strike the word "structure" and replace it with "property".

Please let me know if you have any questions. Also, please note that my review comments should not be construed as taking any position on the proposed legislation.

Sincerely,

Paul

Paul L. Cooke, Director
Bureau of Response & Recovery
Wisconsin Department of Military Affairs
Wisconsin Emergency Management
2400 Wright Street | Madison, WI 53707

P 608-242-3204 | F 608-242-3247 | C 608-354-5298

Email: paul.cooke@wisconsin.gov

"Wisconsin Emergency Management (WEM) coordinates effective disaster response and recovery efforts in support of local governments. Through planning, training and exercising we prepare ourselves, our citizens and response personnel to minimize the loss of lives and property."

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From: Hoffman, Jessica - DMA **On Behalf Of** Satula, Brian - DMA
Sent: Monday, July 1, 2019 2:41 PM
To: Cooke, Paul - DMA <Paul.Cooke@wisconsin.gov>
Subject: FW: Draft review: LRB -3472/P1

From: Luckey, Michael <Michael.Luckey@legis.wisconsin.gov>
Sent: Monday, July 1, 2019 12:13 PM
To: Satula, Brian - DMA <Brian.Satula@wisconsin.gov>; Hunter, Tarna - ETF <Tarna.Hunter@etf.wi.gov>; bloomd@town.madison.wi.us
Cc: Hoyer-Booth, Andrew - LEGIS <Andrew.Hoyer-Booth@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -3472/P1

Here's a draft back from the Legislative Reference Bureau relating to the Collapse Rescue Team. Tarna, I do not think there is anything in this bill related to ETF, but I wanted you to be aware of the language. Please review and let me know your thoughts.

Sincerely,

Michael Luckey

Office of Representative Mike Rohrkaste
Wisconsin State Assembly
(608) 266-5719

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Monday, July 1, 2019 11:20 AM
To: Rep.Rohrkaste <Rep.Rohrkaste@legis.wisconsin.gov>
Subject: Draft review: LRB -3472/P1

Following is the PDF version of draft LRB -3472/P1.

McGreevy, Mary Alice

From: Luckey, Michael
Sent: Tuesday, July 16, 2019 1:28 PM
To: McGreevy, Mary Alice
Cc: Hoyer-Booth, Andrew; Konecke, Maria
Subject: FW: Duty Disability

Can we incorporate ETF's proposal into a /P2? I believe Melinda was doing the same with WEM's concerns. Tarna said to reach out to her with any practical questions. (Kolste office cc'd here).

Thanks,

Michael Luckey

Office of Representative Mike Rohrkaste
Wisconsin State Assembly
(608) 266-5719

From: Hunter, Tarna - ETF <Tarna.Hunter@etf.wi.gov>
Sent: Tuesday, July 16, 2019 1:25 PM
To: Luckey, Michael <Michael.Luckey@legis.wisconsin.gov>
Subject: RE: Duty Disability

Hi Michael,

Thank you for sharing the LRB draft with us. Please find our comments regarding the provisions impacting ETF in the current LRB draft, as well as suggested changes.

LRB-3472/P1

Page 3, Lines 17-19. This language includes a "member of an urban search and rescue task force who is acting under a contract under s.323.72(1)," in the definition of a protective occupation participant (protectives).

Page 5, Lines 19-20. This language provides that a member of an urban search and rescue task force is considered an employee of the state for purposes of duty disability benefits under s. 40.65.

The language poses several issues for the administration and funding of the WRS and the duty disability program. This is not meant to be a complete list, but rather to give you an idea of our major concerns.

First federal law prohibits individuals who are not WRS participants from benefiting from its programs. As a result, urban search and rescue team members who are not already WRS participating employees based on their current employment could not be covered by the duty disability program.

Second, the duty disability program is limited to WRS protectives. Thus, urban search and rescue team members who are WRS participating employees, but whose positions are not certified to the

WRS category as meeting the definition of protective in state law, would not be eligible for the duty disability program.

Third, extending WRS protective status to all members of the urban search and rescue team would confer protective status for all retirement benefits, not just duty disability.

Additionally, the language does not identify an employer for the task force, nor does it address how the benefits would be paid for or provided. ETF recommends that all language affecting Ch. 40 be removed from the current bill draft.

ETF has the following understanding of the objectives:

The local governments do not want to be financially responsible for duty disability premium changes related to an employee's service on the urban search and rescue team.

The members of the search and rescue team would like to retain their local duty disability benefits. By classifying those members as state employees, they would be eligible for duty disability as state employees. State and local employees receive different benefits under the duty disability program.

To meet these objectives, ETF proposes the following:

- * Require the state (provide a new sum sufficient appropriation or use the DMA sum sufficient appropriation contained in the bill) to reimburse participating WRS employers for any increase in duty disability premiums resulting from WRS protective occupation participants receiving duty disability from service on the urban search and rescue team under s. 323.72.

ETF will calculate two duty disability premiums for local governments that have WRS protective occupation participants who are receiving benefits related to an occurrence while serving on the urban search and rescue team. The state (DMA or another entity) will reimburse the local government for any increase in premiums due to disability benefits resulting from service on the urban search and rescue team.

The calculation occurs annually when ETF's consulting actuaries determine the duty disability contribution rates for the following year. ETF will provide the local government with information regarding the amount of the required duty disability premium related to the urban search and rescue team (if any). The local government will be responsible for requesting reimbursement from DMA or the entity specified in the bill.

Notes:

- * • Applies only to WRS participating employers.
- * • Applies only to WRS protective occupation participants eligible for duty disability benefits participating in the urban search and rescue team.
- * • The sum sufficient appropriation reimburses the local government employer for increases in duty disability premiums due to disability benefits resulting from participation on the urban search and rescue team.
 - The member of the urban search and rescue team remains a local employee and receives the local duty disability benefits.
 - The local employer continues to be responsible for all current requirements relating to the duty disability program, including making premium payments and certifying duty disability applications.

- For administrative purposes, ETF would modify the duty disability application for employees and employers to identify when an injury is a result of service on the urban search and rescue team.

Please feel welcome to contact me regarding this proposal. We are ready to assist and welcome the opportunity to review future drafts.

Thanks,

Tarna

From: Luckey, Michael X - LEGIS <Michael.Luckey@legis.wisconsin.gov>

Sent: Tuesday, July 16, 2019 12:57 PM

To: Hunter, Tarna - ETF <Tarna.Hunter@etf.wi.gov>

Subject: Duty Disability

Hi Tarna,

Would you still be able to get me ETF's comments today?

Thanks,

Michael Luckey

Office of Representative Mike Rohrkaste

Wisconsin State Assembly

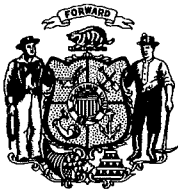
(608) 266-5719

FROM ETF 7/20/19

40.05(2)(ar) Participating employers of employees subject to s. 40.65 shall contribute an additional percentage or percentages of those employees' earnings based on the experience rates determined to be appropriate by the board with the advice of the actuary. For purposes of this subsection, the participating employer of an employee subject to s. 40.65 on a deployment, training, or readiness exercise as a member of the urban search and rescue task force under s. 323.72, shall be the local governmental unit. Any additional percentage or percentages related to deployment, training or readiness exercises under s. 323.72 as calculated by the actuary under s. 40.03(5)(c) shall be contributed by the local governmental unit. The local governmental unit may seek reimbursement of the additional cost under s. 323.72.

40.xx (possibly insert in 40.06)

- (1) If a protective occupation participant who is also a participating employee is on a deployment, training, or readiness exercise as a member of the urban search and rescue task force under s. 323.72, the employee shall be credited with creditable service during that period on the same basis as the employee was credited with creditable service immediately prior to the commencement of the deployment by the urban search and rescue task force; and
- (2) The employer shall continue to report contributions and earnings at the same rate as the employee would have been receiving had the participating employee not been on a deployment, training, or readiness exercise as a member of the urban search and rescue task force under s. 323.72, including adjustments in the rate of earnings of the employee made during that period in good faith. Earnings and creditable service determined under sub. (1) shall be reported by the employer to the department.



1/12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

IN 7/24
DUS 7/26

SAY
RWS

repeal

1 AN ACT to repeal 323.72 (5); to amend 40.02 (48) (c), 323.72 (title), 323.72 (1),
2 323.72 (2), 323.72 (3), 323.72 (4) and 895.483 (4); and to create 20.465 (3) (dv)
3 and 20.465 (3) (hm) of the statutes; relating to: a statewide urban search and
4 rescue task force and making an 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's standards. This change allows an urban search and rescue task force to respond to any incident involving the location, rescue, and initial medical stabilization of a victim trapped in a confined space.

a type

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

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

agencies apply for reimbursement within 14 days of the conclusion of the task force's deployment. DMA may seek reimbursement for those services from any responsible party.

The bill also provides that a member of a regional structural collapse team who receives duty disability benefits because of a disability incurred while performing duties as a member of the team is considered an employee of the state for purposes of the benefit.

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

INSERT ANALYSIS

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 250,000 250,000

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 ^{type 1} 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:

14 20.465 (3) (hm) *Urban search and rescue task force supplement*. As a
15 continuing appropriation, the amounts in the schedule to be used for response costs

X

INSECT
3-2

1 of a local agency for ^{a type 1} an urban search and rescue task force deployment under s.
2 323.72 (1). All moneys received under s. 323.72 (3) as reimbursement for expenses
3 incurred for ^{a type 1} an urban search and rescue task force response shall be credited to this
4 appropriation account.

5 SECTION 4. 40.02 (48) (c) of the statutes is amended to read:

6 40.02 (48) (c) In s. 40.65, "protective occupation participant" means a
7 participating employee who is a police officer, fire fighter, an individual determined
8 by a participating employer under par. (a) or (bm) to be a protective occupation
9 participant, county undersheriff, deputy sheriff, state probation and parole officer,
10 county traffic police officer, conservation warden, state forest ranger, field
11 conservation employee of the department of natural resources who is subject to call
12 for forest fire control or warden duty, member of the state traffic patrol, state motor
13 vehicle inspector, University of Wisconsin System full-time police officer, guard or
14 any other employee whose principal duties are supervision and discipline of inmates
15 at a state penal institution, excise tax investigator employed by the department of
16 revenue, person employed under s. 60.553 (1), 61.66 (1), or 62.13 (2e) (a), or special
17 criminal investigation agent employed by the department of justice, or ^{a type 1} member of an
18 urban search and rescue task force who is acting under a contract under s. 323.72

19 (1)

INSECT
3-19

20 SECTION 5. 323.72 (title) of the statutes is amended to read:

21 323.72 (title) **Structural collapse Urban search and rescue emergency**
22 **response.**

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

24 323.72 (1) ^{PLAIN} A regional structural collapse team ^{a type 1} An urban search and rescue task
25 force designated by the division shall assist in the any emergency response to a



SECTION 6

1 structural collapse incident in a region of this state designated by the division
 2 involving ^{Search, rescue, and recovery in the technical rescue disciplines to include structural collapse,} ~~the location, rescue, and initial medical stabilization of a victim trapped~~ ^{rope rescue,}
 3 ^{trench, excavation, and water operations in an urban search and rescue environment} ~~in a confined space.~~ ^{vehicle extrication,} Whenever ^{PLAIN} ~~a regional structural collapse team~~ ^{typical} ~~(an urban search~~ ^{machinery} ~~and rescue task force~~ ^{extrication,} assists in an emergency response under this subsection, ~~it the~~
 4 ~~division~~ shall determine under ~~the rules promulgated under sub. (5)~~ whether an
 5 emergency requiring the team's ^{typical} ~~urban search and rescue task force's~~ response
 6 existed. If the regional structural collapse team ~~division~~ determines that such an
 7 emergency existed, it shall make a good faith effort to identify the person who is
 8 required to reimburse the division under sub. (3) and ~~shall provide that information~~
 9 ~~to the division.~~ The division shall contract with local agencies, as defined in s. 323.70
 10 (1) (b), to establish ~~no more than 4 regional structural collapse teams~~ ^{a typical} ~~(an urban search~~
 11 ~~and rescue task force.~~ A member of ^{PLAIN} ~~a regional structural collapse team~~ ^{typical} ~~(an urban~~
 12 ~~search and rescue task force~~ shall meet the ^{training, competency, and job performance requirements} ~~highest~~ standards for a structural
 13 collapse team ^{↑ ↑} ~~Type 1 urban~~ search and rescue task force under the National Fire
 14 Protection Association standards NFPA 472, 1006, and 1670. ^{and the Urban Search and Rescue}
 15 ^{Standard by the Emergency Management} ^{Accreditation program}

SECTION 7. 323.72 (2) of the statutes is amended to read: ANSI/EMAP 1-2016

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 ^{PLAIN} ~~a~~ ^{typical} 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

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 an application for reimbursement if the agency applies for reimbursement
4 within 14 days after the conclusion of the deployment of the urban search and rescue
5 task force.

Insert
5-5

type 1

6 SECTION 8. 323.72 (3) of the statutes is amended to read:

7 323.72 (3) A person shall reimburse the division for costs incurred by a regional
8 structural collapse team ^{e type 1} ~~an~~ urban search and rescue task force in responding to an
9 emergency if the team division determines under the rules promulgated under sub.
10 (5) that an emergency requiring the team's ^{type 1} ~~urban~~ search and rescue task force's
11 response existed and that one of the following conditions applies:

12 (a) The person possessed or controlled a ~~structure~~ ^{property} that was involved in the
13 structural collapse emergency.

14 (b) The person caused the structural collapse emergency.

15 SECTION 9. 323.72 (4) of the statutes is amended to read:

16 323.72 (4) A member of a ^{PLAIN} regional structural collapse team ^{e type 1} ~~an~~ urban search
17 and rescue task force who is acting under a contract under sub. (1) is considered an
18 employee of the state for purposes of worker's compensation benefits and duty
19 disability benefits under s. 40.65.

20 SECTION 10. 323.72 (5) of the statutes is repealed.

21 SECTION 11. 895.483 (4) of the statutes is amended to read:

22 895.483 (4) ^{PLAIN} ~~A~~ regional structural collapse team ^{e type 1} ~~An~~ urban search and rescue
23 task force, a member of such a team task force, and a local agency, as defined in s.
24 323.70 (1) (b), that contracts with the division of emergency management in the
25 department of military affairs for the provision of a regional structural collapse team

SECTION 11

1 emergency services, are immune from civil liability for acts or omissions related to
2 carrying out responsibilities under a contract under s. 323.72 (1).

3 (END)

1 **INSERT ANALYSIS**

2 The bill also allows the department of military affairs ^{JDMA} to reimburse a local
3 agency for any increase in contributions for duty disability premiums because an
4 employee incurred an injury while performing duties as a member of a type 1 urban
5 search and rescue task force.

6 **INSERT 3-2**

7 and for reimbursement to a local agency for any increase in contributions for
8 duty disability premiums under s. 40.05 (2) ^{aw} (a~~f~~) for employees who receive duty
9 disability benefits under s. 40.65 because of an injury incurred while performing
10 duties as a member of a type 1 urban search and rescue task force under a contract
11 under s. 323.72 (1).

12 **INSERT 3-19**

13 **SECTION 1.** 40.05 (2) (aw) of the statutes is created to read:

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

22 **SECTION 2.** 40.06 (8) (intro) of the statutes is created to read:

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40.06 (8) (intro.) For periods during which a protective occupation participant who is a participating employee is on a deployment, training, or readiness exercise with a type 1 urban search and rescue task force under a contract under s. 323.72 (1):

all of the following shall apply

(a) The employee shall be credited with creditable service on the same basis as the employee was credited immediately prior to the deployment, training, or readiness exercise.

(b) The employer shall report to the department contributions and earnings at the same rate the employee would have received if the employee had not been on the deployment, training, or readiness exercise. The employer shall include adjustments in the rate of earnings of the employee made in good faith.

INSERT 5-5

SECTION 3. 323.72 (2m) of the statutes is created to read:

(hm)

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



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3472/P2
MLJ&MIM:amn

(P3)
TWJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

changes on pages 3 & 4
IN 8/14
DUE 8/15, if possible

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) and 323.72 (2m) of the statutes; **relating to:** a
4 statewide urban search and rescue task force and making an 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 a type 1 urban search and rescue task force, as designated by the National Fire Protection Association and Emergency Management Accreditation program standards. This change allows a type 1 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 collected by the Division of Emergency Management. Under the bill, this limitation on reimbursement is removed, and DMA must reimburse within 60 days local

1 of a local agency for a type 1 urban search and rescue task force deployment under
2 s. 323.72 (1) and for reimbursement to a local agency for any increase in contributions
3 for duty disability premiums under s. 40.05 (2) (aw) for employees who receive duty
4 disability benefits under s. 40.65 because of an injury incurred while performing
5 duties as a member of a type 1 urban search and rescue task force under a contract
6 under s. 323.72 (1). All moneys received under s. 323.72 (3) as reimbursement for
7 expenses incurred for a type 1 urban search and rescue task force response shall be
8 credited to this appropriation account.

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

10 40.05 (2) (aw) For purposes of this subsection, the participating employer of an
11 employee subject to s. 40.65 who is on a deployment, training, or readiness exercise
12 as the member of a type 1 urban search and rescue task force under a contract under
13 s. 323.72 (1) is the local governmental unit, ^{of agency} and the local governmental unit ^{agency} shall
14 contribute any additional percentage or percentages related to the deployment,
15 training, or readiness exercises under a contract under s. 323.72 (1) as calculated by
16 the actuary under s. 40.03 (5) (c). A local governmental unit ^{of agency} may seek
17 reimbursement from the department of military affairs under s. 323.72 (2m).

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

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

23 (a) The employee is credited with creditable service on the same basis as the
24 employee was credited immediately prior to the deployment, training, or readiness
25 exercise. ^{employer remits required contributions}
to the department under s. 40.05 (1) (a) and (2) (a).

SECTION 5

service

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(b) The employer reports to the department ~~contributions~~ and earnings ^{at} the same rate the employee would have received if the employee had not been on the deployment, training, or readiness exercise.

The employer shall include adjustments in the rate of earnings of the employee made in good faith.

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

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

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

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

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

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

6 323.72 (2) ~~The~~ From the appropriation under s. 20.465 (3) (h) or (hm), the
7 ~~division shall reimburse a regional structural collapse team local agency under sub.~~
8 ~~(1) for costs incurred by the team local agency in responding to an emergency~~
9 ~~involving a structural collapse incident if the team determines that a structural~~
10 ~~collapse emergency requiring a type 1 urban search and rescue task force response~~
11 ~~existed as provided under the rules promulgated under sub. (5) if the division~~
12 ~~determines that such a response was necessary.~~ Reimbursement under this
13 subsection is limited to amounts collected under sub. (3). Reimbursement under this
14 subsection is available only if the regional structure collapse team has identified the
15 person who is required to reimburse the division under sub. (3) and provided that
16 information to the division shall be issued to the local agency within 60 days after
17 receiving an application for reimbursement if the agency applies for reimbursement
18 within 14 days after the conclusion of the deployment of the type 1 urban search and
19 rescue task force.

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

21 323.72 (2m) From the appropriation under s. 20.465 (3) (hm), the division shall
22 reimburse a local agency under sub. (1) for costs incurred by the local agency for any
23 increase in contributions for duty disability premiums under s. 40.05 (2) (aw) for
24 employees who receive duty disability benefits under s. 40.65 because of an injury

1 incurred while performing duties as a member of a type 1 urban search and rescue
2 task 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 type 1 urban search and rescue task force~~ in responding to
6 an emergency if the team division determines under the rules promulgated under
7 sub. (5) that an emergency requiring the team's type 1 urban search and rescue task
8 force's 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 type 1 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.** 895.483 (4) of the statutes is amended to read:

18 895.483 (4) A ~~regional structural collapse team type 1 urban search and rescue~~
19 ~~task force~~, a member of such a team task force, and a local agency, as defined in s.
20 323.70 (1) (b), that contracts with the division of emergency management in the
21 department of military affairs for the provision of ~~a regional structural collapse team~~
22 emergency services, are immune from civil liability for acts or omissions related to
23 carrying out responsibilities under a contract under s. 323.72 (1).

24 (END)

Johns, Melinda

From: Luckey, Michael
Sent: Monday, August 19, 2019 3:49 PM
To: Johns, Melinda
Subject: FW: Edits for Draft #2

Here's the email they sent with suggested changes to LRB-3472/P2.

If you have questions on this, the two best points of contact are:

Ernie Rhodes
Fire Chief, Janesville Fire Department
(608) 755-3053 314-443-0546
rhodese@ci.janesville.wi.us

David Bloom
Legislative Liaison, WI State Fire Chiefs Association
bloomd@town.madison.wi.us
608-444-3324 cell

Thanks!
Michael

From: Fire Chief David Bloom <bloomd@town.madison.wi.us>
Sent: Tuesday, August 13, 2019 4:27 PM
To: Luckey, Michael <Michael.Luckey@legis.wisconsin.gov>
Subject: Edits for Draft #2

Michael

✓ Draft #2 also has \$250,000 budgeted each year of the two year budget. The amount budgeted each year should be \$500,000.

Here are my edits for consideration. These edits were agreed upon during our conference call of the teams.

Line 4 - Paragraph 1 - Sentence 3 - Edit to say " This bill changes the team's designation from being a structural collapse team to an "All Hazards" Urban Search and Rescue team capable of responding to incidents by providing a type 1, type 3, or Mission Ready Package team or task force, as outlined in the National Incident Management System resource typing, FEMA Urban Search and Rescue Mission Ready Package typing and Emergency Management to support local needs"

Line 4 - Paragraph 2 - Sentence 3 - Edit to say " Under the bill, this limitation of reimbursement is removed, and DMA must reimburse within 60 days local supporting agencies that provide services as part of the Urban Search and Rescue Task Force, component of, or Mission Ready Package if agencies apply for reimbursement within 45 days of the conclusion of the task force deployment.

Page 3 - Line 1 - Edit to say " of a local agency for an Urban Search and Rescue Task Force, component of, or Mission Ready Package deployment under"

Page 3 - Line 5 - Edit to say " duties as a member of the Urban Search and Rescue Task Force, component of, or Mission Ready Package under a contract

Page 3 - Line 7 - edit to say expense incurred for a Urban Search and Rescue Task Force, component of, or Mission Ready Package response shall"

Page 3 - Line 21 - Edit to say " Urban Search and Rescue Task Force, component of, or Mission Ready Package under a contract under s. 323.72 (1) all"

Page 4 - Line 9, 10 - Edit to say 323.72 (1) A type 1 or any type of Urban Search and Rescue Task Force, component of, or Mission Ready Package shall assist in any emergency response

Page 4- Live 15 - Edit to say " environment. Whenever an Urban Search and Rescue Task Force, component of, or Mission Ready Package"

Page 4 - Line 18 - Edit to say " emergency requiring Urban Search and Rescue Task Force, component of, or Mission Ready Package response"

Page 5 - Section 8- Line 10 - Edit to say " requiring Urban Search and Rescue Task Force, component of, or Mission Ready Package response"

Page 5 - Section 8 - Line 18,19 - Edit to say " within 45 days after the conclusion of the deployment of an Urban Search and Rescue Task Force, component of, or Mission Ready Package."

Page 6 - Section 10 - Line 5 - Edit to say " Urban Search and Rescue Task Force, component of, or Mission Ready Package in responding to"

Page 6 - Section 10- Line 7 - Edit to say " that an emergency requiring Urban Search and Rescue Task Force, component of, or Mission Ready Package"

I made these suggestions because I don't want us to be limited to deploying if the mission does not call for a type I team, but instead a type III team or a swift water rescue team (Mission Ready Package).

I also think we should change the request for reimbursement time from 14 days to 45 days. It may take longer than 14 days to get all response cost collect.

Ernie

Dave Bloom, Legislative Liaison
WI State Fire Chiefs Association
bloomd@town.madison.wi.us
608-444-3324 cell



State of Wisconsin
2019 - 2020 LEGISLATURE

DNE: 8/27/19

LRB-3472/P3
MLJ&MIM:amn&wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
RUC

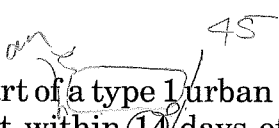
Regen

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) and 323.72 (2m) of the statutes; **relating to:** a
4 statewide urban search and rescue task force and making an 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 a type I urban search and rescue task force, as designated by the National Fire Protection Association and Emergency Management Accreditation program standards. This change allows a type I 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 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 a type 1 urban search and rescue task force if agencies apply for reimbursement within 14 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 a type 1 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	500,000 250,000	500,000 250,000
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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 a type 1 urban search and rescue task force
12 under s. 323.72.

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

14 20.465 (3) (hm) *Urban search and rescue task force supplement.* As a
15 continuing appropriation, the amounts in the schedule to be used for response costs

1 of a local agency for a type 1^{an} urban search and rescue task force deployment under
2 s. 323.72 (1) and for reimbursement to a local agency for any increase in contributions
3 for duty disability premiums under s. 40.05 (2) (aw) for employees who receive duty
4 disability benefits under s. 40.65 because of an injury incurred while performing
5 duties as a member of a type 1^{an} urban search and rescue task force under a contract
6 under s. 323.72 (1). All moneys received under s. 323.72 (3) as reimbursement for
7 expenses incurred for a type 1^{an} urban search and rescue task force response shall be
8 credited to this appropriation account.

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

10 40.05 (2) (aw) For purposes of this subsection, the participating employer of an
11 employee subject to s. 40.65 who is on a deployment, training, or readiness exercise
12 as the member of a type 1^{an} urban search and rescue task force under a contract under
13 s. 323.72 (1) is the local agency, and the local agency shall contribute any additional
14 percentage or percentages related to the deployment, training, or readiness exercises
15 under a contract under s. 323.72 (1) as calculated by the actuary under s. 40.03 (5)
16 (c). A local agency may seek reimbursement from the department of military affairs
17 under s. 323.72 (2m).

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

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

23 (a) The employer remits required contributions to the department under s.
24 40.05 (1) (a) and (2) (a).

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

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

5 323.72 (title) **Structural collapse Urban search and rescue emergency**
6 **response.**

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

8 323.72 (1) ~~A regional structural collapse team~~ ^{an} type 1 urban search and rescue
9 task force designated by the division shall assist in the any emergency response to
10 a ~~structural collapse incident in a region of this state designated by the division~~
11 involving search, rescue, and recovery in the technical rescue disciplines to include
12 structural collapse, rope rescue, vehicle extrication, machinery extrication, confined
13 space, trench, excavation, and water operations in an urban search and rescue
14 environment. Whenever ~~a regional structural collapse team~~ ^{an} a type 1 urban search
15 and rescue task force assists in an emergency response under this subsection, it the
16 division shall determine under the rules promulgated under sub. (5) whether an
17 emergency requiring the team's type 1 urban search and rescue task force's response
18 existed. If the ~~regional structural collapse team~~ division determines that such an
19 emergency existed, it shall make a good faith effort to identify the person who is
20 required to reimburse the division under sub. (3) ~~and shall provide that information~~
21 ~~to the division.~~ The division shall contract with local agencies, as defined in s. 323.70
22 (1) (b), to establish ~~no more than 4 regional structural collapse teams~~ ^{an} a type 1 urban
23 search and rescue task force. A member of ~~a regional structural collapse team~~ type
24 1 urban search and rescue task force shall meet the highest training, competency,
25 and job performance requirement standards for a structural collapse team search

1 and rescue task force under the National Fire Protection Association standards
 2 NFPA 472, 1006, and 1670, and the urban search and rescue standard by the
 3 Emergency Management Accreditation program ANSI/EMAP 1-2016.

4 **** note: Are the credentials listed accurate and up-to-date?*

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

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

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

20 323.72 (2m) From the appropriation under s. 20.465 (3) (hm), the division shall
 21 reimburse a local agency under sub. (1) for costs incurred by the local agency for any
 22 increase in contributions for duty disability premiums under s. 40.05 (2) (aw) for
 23 employees who receive duty disability benefits under s. 40.65 because of an injury
 24 incurred while performing duties as a member of a type 1 urban search and rescue
 25 task force under sub. (1).

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

2 323.72 (3) A person shall reimburse the division for costs incurred by a regional
3 structural collapse team ^e ~~type 1~~ ^{an} urban search and rescue task force in responding to
4 an emergency if the team division determines ~~under the rules promulgated under~~
5 ~~sub. (5)~~ that an emergency requiring the team's ^e ~~type 1~~ ^{an} urban search and rescue task
6 force's response existed and that one of the following conditions applies:

7 (a) The person possessed or controlled a structure property that was involved
8 in the structural collapse emergency.

9 (b) The person caused the structural collapse emergency.

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

11 323.72 (4) A member of a regional structural collapse team ^e ~~type 1~~ ^{an} urban search
12 and rescue task force who is acting under a contract under sub. (1) is considered an
13 employee of the state for purposes of worker's compensation benefits.

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

15 SECTION 13. 895.483 (4) of the statutes is amended to read:

16 895.483 (4) ~~A regional structural collapse team~~ ^e ~~type 1~~ ^{an} urban search and rescue
17 task force, a member of such a team task force, and a local agency, as defined in s.
18 323.70 (1) (b), that contracts with the division of emergency management in the
19 department of military affairs for the provision of ~~a regional structural collapse team~~
20 emergency services, are immune from civil liability for acts or omissions related to
21 carrying out responsibilities under a contract under s. 323.72 (1).

22 (END)
323.72 (6) of the statutes is created to read:

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

*** note: Please verify that this definition fully captures your intent.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3472/P4
MLJ&MIM:amn&wlj

1

No
Changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

1 895.483 (4) ~~A regional structural collapse team~~ An urban search and rescue
2 task force, a member of such a team ~~task force~~, and a local agency, as defined in s.
3 323.70 (1) (b), that contracts with the division of emergency management in the
4 department of military affairs for the provision of ~~a regional structural collapse team~~
5 emergency services, are immune from civil liability for acts or omissions related to
6 carrying out responsibilities under a contract under s. 323.72 (1).

7

(END)

Parisi, Lori

From: Luckey, Michael
Sent: Thursday, September 19, 2019 4:42 PM
To: LRB.Legal
Subject: Draft Review: LRB -3472/1

Please Jacket LRB -3472/1 for the ASSEMBLY.