

State of Wisconsin



2021 Senate Bill 374

Date of enactment: **December 3, 2021**

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2021 WISCONSIN ACT 104

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

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

SECTION 2. 20.465 (3) (dr) of the statutes is amended to read:

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

SECTION 3m. 20.465 (3) (dv) of the statutes, as created by 2021 Wisconsin Act 58, is amended to read:

20.465 (3) (dv) *Urban search and rescue task force.* As a continuing appropriation, the amounts in the schedule for training, equipment, and administrative costs for an urban search and rescue task force under s. 323.72.

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

20.465 (3) (jt) *Regional emergency response reimbursement.* All moneys received by the division of emergency management under s. 323.70 (4) for reimbursement of regional emergency response teams under s. 323.70 (3), and for reimbursement to a local agency for

any increase in contributions for duty disability premiums under s. 40.05 (2) (ax) for employees who receive duty disability benefits under s. 40.65 because of an injury incurred while performing duties as a member of a regional emergency response team under a contract under s. 323.70 (2). All moneys received under s. 323.70 (4) as reimbursement for expenses incurred for a regional emergency response team response shall be credited to this appropriation account.

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

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

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

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

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

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

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

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

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

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

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

323.70 (3) ~~The From the appropriations under s. 20.465 (3) (dr) and (jt), the division shall reimburse a regional emergency response team local agency contracted under sub. (2) for costs incurred by the team in responding to an emergency involving a level A release, or a potential level A release, if the team followed the procedures in the rules promulgated under sub. (7) (b) to determine if division determines that an emergency requiring a the response existed. Reimbursement under this subsection is limited to amounts collected under sub. (4) and the amounts appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the regional emergency response team has made a good faith effort to identify the person responsible under sub. (4) and that person cannot be identified, or, if that person~~

is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the regional emergency response team shall be issued to the local agency within 60 days after receiving a complete application for reimbursement on a form prescribed by the division if the agency applies for reimbursement within 45 days after the conclusion of the deployment of the regional emergency response team.

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

323.70 (3m) From the appropriation under s. 20.465 (3) (jt), 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) (ax) for employees who receive duty disability benefits under s. 40.65 because of an injury incurred while performing duties as a member of regional emergency response team under sub. (2).

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

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

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

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

323.71 (3) ~~The From the appropriation under s. 20.465 (3) (dr), the division shall reimburse a local emergency response team for costs incurred by the team in responding to an emergency involving a hazardous substance release, or potential release, if the team followed the procedures in the rules promulgated under s. 323.70 (7) (e) to determine if division determines that an emergency requiring the team's response existed. Reimbursement under this subsection is limited to the amount appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency response team has made a good faith effort to identify the person responsible under sub. (4) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the local emergency response team. Reimbursement under this subsection shall be issued to the local agency within 60 days after receiving a complete application for reimbursement on a form prescribed by the division if the agency applies for reimbursement within 45 days after the conclusion of the deployment of the local emergency response team.~~

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

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

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

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

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

323.72 (1) ~~A regional structural collapse team An urban search and rescue task force designated by the division shall assist in the at the direction of the division in an 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 an 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 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 an urban search and rescue task force. A member of a regional structural collapse team an urban search and rescue task force shall meet the highest most current training, competency, and job performance requirement standards for a structural collapse team under search and rescue task force issued by the National Fire Protection Association standards NFPA 4006 and 1670 and the most current version of the urban search and rescue standard issued by the Emergency Management Accreditation program.~~

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

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

~~such a response was necessary. 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 shall be issued to the local agency within 60 days after receiving a complete application for reimbursement on a form prescribed by the division if the agency applies for reimbursement within 45 days after the conclusion of the deployment of the urban search and rescue task force.~~

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

323.72 (2m) From the appropriation under s. 20.465 (3) (hm), 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 an urban search and rescue task force under sub. (1).

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

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

SECTION 20g. 323.72 (3) (a) of the statutes is repealed.

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

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

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

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

323.72 (6) The department of military affairs may submit to the joint committee on finance a request to supplement the appropriation account under s. 20.465 (3) (hm) for the purposes for which the appropriation is made. If the cochairpersons of the committee do not notify the department within 14 working days after receiving the request that the cochairpersons have scheduled a meeting for the purpose of reviewing the request, the appropriation account under s. 20.465 (3) (hm) shall be supplemented from the appropriation account under s. 20.865 (4) (a), as provided in the request. If, within 14

working days after receiving the request, the cochairpersons notify the department that the cochairpersons have scheduled a meeting for the purpose of reviewing the request, the appropriation account may be supplemented from the appropriation account under s. 20.865 (4) (a) only as approved by the committee. Notwithstanding s. 13.101 (3), the committee is not required to find that an emergency exists prior to supplementing the appropriation account under s. 20.465 (3) (hm).

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

323.72 (7) In this section, “urban search and rescue task force” means an all hazards rescue team that is a core component of a Search and Rescue Essential Support Function 9 (ESF 9) mission, including a type I urban search and rescue task force, type III urban search and

rescue task force, or any component thereof, as designated by the Federal Emergency Management Agency National Incident Management System Search and Rescue resource typing system.

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

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