



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #418

### Urban Search and Rescue Task Force (Military Affairs)

[LFB 2021-23 Budget Summary: Page 409, #4]

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#### CURRENT LAW

Under current law, the Department of Military Affairs (DMA) contracts with local agencies to establish regional structural collapse teams that respond to structural collapse incidents. Team members must meet the structural collapse team member requirements under the National Fire Protection Association standards. Costs related to training and equipment are supported by a federal homeland security grant. For deployments, DMA is authorized to reimburse teams only to the extent that DMA collects reimbursement from a responsible party (the entity responsible for causing the incident). The teams' contracts expired in June, 2019; therefore, the teams are not currently training, deploying, or receiving funds.

#### DISCUSSION POINTS

1. For the most recent contract period, teams were comprised of 11 fire departments (located in Antigo, Appleton, Beloit, Chippewa Falls, Green Bay, Janesville, La Crosse, Menominee, Neenah-Menasha, Oshkosh, and Superior). The approximately 120 members of the teams were classified as state limited-term employees (LTEs). The state's contract with each municipality included provisions related to training, reimbursement, civil immunity, and eligible costs.

2. The contracts expired in December, 2018, and were extended until June, 2019. According to DMA, municipalities sought changes to the contracts, including modifications to provide a faster reimbursement process. As a result, the municipalities did not sign new contracts and negotiations were suspended.

3. Training and equipment costs have been funded through federal homeland security grants provided to DMA. The Department indicates that federal funding has remained relatively

stable. Table 1 shows federal grants awarded to the team for training and equipment by year. It should be noted that, because of the lapse in contracts, no grants were awarded in 2019-20. Should the contracts be reinstated, the teams would be eligible to apply for federal grants in subsequent years.

**TABLE 1**

**Statewide Structural Collapse Team Funding, FFY 2014-15 to 2019-20**

<u>Federal Fiscal Year</u>	<u>Federal Award</u>
2014-15	\$690,900
2015-16	631,100
2016-17	508,900
2017-18*	574,600
2018-19*	543,200
2019-20	0

\* Funding was allocated but not awarded due to the lapse in contracts.

4. For deployments, the person or entity responsible for the structural collapse must reimburse DMA for response costs. Regional teams are reimbursed for response costs only to the extent that DMA is able to collect reimbursement from a responsible party. Reimbursements are processed under either DMA's interstate emergency assistance appropriation or general program operations appropriation for emergency management services. In the event of an in-state natural disaster for which there is no responsible party, the regional teams do not receive reimbursement under current law. However, deployments for natural disasters may be reimbursed by the state disaster assistance program or by the federal government, if a presidential declaration of a major disaster is requested. It should be noted that, due to the lapse in contracts, the regional teams have not deployed since 2019. If an incident were to occur now, local jurisdictions would respond in accordance with local procedures.

5. Teams have been deployed four times since the structural collapse emergency response process was codified in 2009-10, as shown in Table 2. Deployment costs are dependent on the number of personnel deployed, the length of the deployment, the equipment utilized, and the distance traveled to the incident. According to DMA, it has often taken more than one year to recover costs from the responsible party and to reimburse local agencies.

**TABLE 2**

**Structural Collapse Team Deployments, 2009-10 to 2019-20**

<u>Fiscal Year</u>	<u>Name of Event</u>	<u>Reimbursable Cost</u>
2017	Didion Milling Plant explosion and structural collapse	\$105,600
2018	Hurricane Irma request for Florida*	100,600
2019	Water rescue for flooding in Crawford County	87,100
2019	Water rescue for flooding events**	0

\* Coordinated and funded under the EMAC.

\*\* The team was mobilized and staged but not deployed. Floods in Dane, Juneau, La Crosse, Marquette, Monroe, Richland, Sauk, and Vernon Counties were classified by FEMA under the same disaster declaration as the Crawford County flooding event. Reimbursable costs for the two events were reported cumulatively and totaled \$87,100.

6. Assembly Bill 68/Senate Bill 111 would change the teams' designation under federal law from regional structural collapse teams to a statewide urban search and rescue (USR) task force and modify the team's funding structure and amounts. It should be noted that the bill incorporates the provisions of 2019 AB 568/SB 551. These bills had bipartisan sponsorship. SB 551 was recommended for passage by the Joint Committee on Finance by a vote of 16-0. Neither bill passed pursuant to SJR 1.

7. Under federal law, a USR task force is a multi-disciplined organization which conducts search, rescue, and recovery in the technical rescue disciplines, including structural collapse, rope rescue, vehicle extrication, machinery extrication, confined space, trench, excavation, and water operations. The number of LTEs would increase from 120 to 240 under the re-designation because of the increased scope of emergencies and the required duties of participating personnel.

8. The bill would create an annual GPR appropriation and provide \$500,000 per year for task force training, administration, and equipment. Examples of equipment purchases include structural collapse rescue tools (saws, drills, and torches), communication devices, and personal protective gear. In the last five years, the average allocation for training and equipment was \$500,000 FED. Training and equipment costs are expected to increase proportionally to the number of participating LTEs; therefore, such costs would be expected to double under the bill. Providing additional financial support is intended to ensure that members have sufficient equipment and training to remain safe while responding to emergencies.

9. The bill would also create a continuing PR appropriation, provided \$0 annually, to support task force deployments and increases in duty disability premium contributions for employees who receive such benefits because of an injury incurred as a task force member. The appropriation would be funded by reimbursements for task force deployments, for example, funds paid by a responsible party. As a continuing PR appropriation, DMA would be authorized to spend any amount necessary to reimburse local agencies, to the extent revenue is available.

10. Under the bill, local agencies would be required to submit reimbursement requests to DMA within 45 days of concluding the deployment. The Department would be required to reimburse local agencies within 60 days of receiving a complete application for reimbursement, whether or not DMA has collected payment from a responsible party. A faster reimbursement process could help support local agencies that choose to join the task force. However, DMA may not have sufficient revenues to reimburse local agencies within 60 days. Further, for deployments without a responsible party, such as in the event of an in-state natural disaster, DMA may never recover costs. The Department could submit a request for expenditure authority under s. 13.10 or s. 16.515 of the statutes if revenues are insufficient to reimburse local agencies. Note that under s. 13.10, the Committee may only reallocate available GPR from existing appropriations as allowed by statute, and under s. 16.515, program revenue to support the request must be available.

11. Given that the task force would strengthen the state's emergency response capabilities and that local agencies have requested the proposed changes, the Committee could approve the task force-related provisions of the bill [Alternative 1].

12. To address potential problems with the 60-day reimbursement timeline, the Committee could create a sum sufficient GPR appropriation for task force deployments, similar to DMA's existing appropriation for national guard deployments (s. 20.465(1)(c)). The Department could use the sum sufficient appropriation to reimburse local agencies within 60 days, whether or not DMA has recovered costs associated with the deployment. The Department would retain the authority to seek payment from a responsible party, and any reimbursements subsequently received by DMA would lapse to the general fund as GPR-Rev. It should be noted that the general fund would support costs for which a responsible party could not be identified, or for which federal or state disaster assistance was not provided [Alternative 2].

13. The teams do not have the authority to train or deploy in response to structural collapse incidents until contracts are renegotiated. However, local partners could decide to resume negotiations with DMA at any time to renew the contracts within the provisions of current law and operate as structured prior to 2019, when the contracts expired. Therefore, the Committee could take no action [Alternative 3].

## **ALTERNATIVES**

1. Modify the regional structural collapse teams' designation to an urban search and rescue task force. Create an annual GPR appropriation and provide \$500,000 GPR annually for task force training, administration, and equipment. Create a continuing PR appropriation to support task force deployments and reimbursements to local agencies for increases in duty disability premium contributions for employees who receive such benefits because of an injury incurred as a task force member. Require local agencies to submit reimbursement requests within 45 days of a deployment and DMA to reimburse local agencies within 60 days of receiving a complete reimbursement request.

<b>ALT 1</b>	<b>Change to Base</b>
GPR	\$1,000,000

2. Modify the regional structural collapse teams' designation to an urban search and rescue task force. Create an annual GPR appropriation and provide \$500,000 GPR annually for task force training, administration, and equipment. Create a sum sufficient GPR appropriation to support task force deployments and reimbursements to local agencies for increases in duty disability premium contributions for employees who receive such benefits because of an injury incurred as a task force member. Specify that any revenues collected as reimbursements for deployments lapse to the general fund. Require local agencies to submit reimbursement requests within 45 days of a deployment and DMA to reimburse local agencies within 60 days of receiving a complete reimbursement request.

<b>ALT 2</b>	<b>Change to Base</b>
GPR	\$1,000,000

3. Take no action.

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