



Legislative Fiscal Bureau

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February 12, 2020

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 568/Senate Bill 551: Regional Structural Collapse Teams

Assembly Bill 568 (AB 568) was introduced on October 25, 2019, and referred to the Assembly Committee on Criminal Justice and Public Safety. On January 9, 2020, a public hearing was held. On February 6, 2020, the Assembly Committee recommended the bill for passage, as amended, on a vote of 14-0. Senate Bill 551 (SB 551) was introduced on November 8, 2019, and referred to the Senate Committee on Judiciary and Public Safety. On January 22, 2020, a public hearing was held. On January 30, 2020, the Senate Committee recommended the bill for passage, as amended, on a vote of 5-0.

BACKGROUND AND CURRENT LAW

Overview. Under current law, the Department of Military Affairs (DMA) contracts with local agencies to establish three regional structural collapse teams that assist with responding to structural collapse incidents. Structural collapse refers to an incident involving all types of construction with response activities that include expertise in: (a) evaluating existing and potential conditions at structural collapse incidents; (b) recognizing unique collapse or failure hazards; (c) conducting search operations intended to locate victims trapped inside and beneath collapse debris; (d) accessing victims trapped inside and beneath collapse debris; (e) performing extrication operations involving packaging, treating, and removing victims trapped within and beneath collapse debris; and (f) stabilizing the structure. A member of a regional structural collapse team must meet the structural collapse team member requirements under the National Fire Protection Association standards.

Contract History. For the most recent contract period, from January, 2017, to December, 2018, teams were comprised of members from 11 participating fire departments (located in Antigo, Appleton, Beloit, Chippewa Falls, Green Bay, Janesville, La Crosse, Menominee, Neenah-Menasha, Oshkosh, and Superior). Members of the teams are classified as state limited-term employees (LTEs). The state's two-year contract with each of the municipalities included provisions related to training, reimbursement, civil immunity, and allowable costs.

All of the contracts expired on December 31, 2018, and were extended until June 30, 2019. According to DMA, municipalities sought changes to the contracts, including modifications to the reimbursement process as provided under the bill and described further below. As a result, the participating municipalities did not sign a new contract and negotiations were suspended. The Department anticipates that negotiations would restart upon enactment of the bill; however, if the bill is not enacted and a new contract is not negotiated, DMA indicates that the teams may be disbanded. As of February, 2020, due to the lapse in contracts, the teams are not training, deploying, or receiving funds.

Funding Structure. Training and equipment costs are currently funded through federal grants appropriated to DMA under the federal aid, homeland security appropriation [s. 20.465(3)(mb)]. The Department indicates that homeland security grant funding has remained relatively stable and does not anticipate significant fluctuations at this time. However, future changes to federal law could modify subsequent grant awards. Table 1 shows adjusted federal grants awarded to the team for training and equipment by year from federal fiscal year (FFY) 2014-15 to 2018-19.

TABLE 1
Structural Collapse Team Training and Equipment Grants,
FFY 2014-15 to 2018-19

<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

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

For deployments, under current law, the person or entity responsible for the emergency must reimburse DMA if it is determined that an emergency existed and that one of the following conditions applies: (a) the person possessed or controlled a structure that was involved in the structural collapse; or (b) the person caused the structural collapse. The Department currently reimburses local agencies for costs incurred in responding to an emergency involving a structural collapse incident only to the extent that the team and DMA are able to identify and seek reimbursement from a responsible party. Reimbursement to local agencies for deployments is currently limited to the amounts collected by DMA. Reimbursements are currently processed under either DMA's interstate emergency assistance appropriation (for Emergency Management Assistance Compact (EMAC) deployments) or general program operations appropriation for emergency management services (for non-EMAC deployments).

Teams have been deployed four times since the structural collapse emergency response

process was codified in 2009-10, as shown in Table 2. The Department indicates that deployment costs are dependent on the number of personnel deployed, the length of the deployment, the equipment utilized, and the distance traveled.

TABLE 2
Structural Collapse Team Deployment Costs,
FY 2009-10 to 2018-19

<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.

** 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.

SUMMARY OF BILL

Assembly Bill 568/Senate Bill 551 ("the bill") would modify the teams' designation under federal law from regional structural collapse teams to a statewide urban search and rescue (USR) task force. The task force would be designated by the FEMA National Incident Management System resource typing system as a Type 1 USR task force. The task force would be statewide in nature, rather than regional as under current law.

According to FEMA, 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. Type 1 task forces can operate 24 hours per day, be self-sustaining for 72 hours, and be deployable for up to 14 days. Type 1 task forces must comply with FEMA specifications requiring the employment of specifically skilled personnel, such as including a minimum of six licensed physicians to care for task force members and survivors. The Department estimates that the number of LTEs would increase from 120 to 240 under the re-designation.

The bill would create an annual GPR appropriation [s. 20.465(3)(dv)] for the USR task force and provide \$500,000 GPR per year in 2019-20 and 2020-21 for training and equipment. The Department indicates that state funds are required to support the additional training and equipment requirements for a Type 1 task force, including the purchase of additional protective equipment for members. Further, DMA indicates that additional homeland security grant funds are not available to support the re-designation.

The bill would authorize the Department of Employee Trust Funds (ETF) to charge a local agency additional contributions for duty disability if: (a) the agency employs an individual who is on a deployment, training, or readiness exercise as the member of a USR task force; and (b) the ETF actuary calculates that an additional contribution rate should be charged related to the deployment, training, or readiness exercise. The bill specifies that a local agency may seek reimbursement from DMA.

The bill would also create a continuing PR appropriation [s. 20.465(3)(hm)] to support: (a) response costs of local agencies for deployment of the USR task force; and (b) reimbursements to local agencies for any increase in contributions for duty disability premiums for employees who receive duty disability benefits because of an injury incurred as a member of the USR task force. Funds would be provided from reimbursements received for task force deployments, for example, funds collected by DMA from a responsible party.

Under current law, local agencies only receive reimbursement for a deployment once DMA has received payment from the responsible party. Under the bill, local agencies must submit reimbursement requests to DMA within 45 days of the conclusion of the deployment. The Department must then reimburse local agencies within 60 days of receiving the request, whether or not DMA has collected payment from a responsible party. The Department indicates that it may not have sufficient funding to reimburse local agencies within these time constraints.

ASSEMBLY/SENATE AMENDMENT 1

The identical AA 1 and SA 1 ("the amendment") would allow DMA to request that the Joint Committee on Finance supplement the PR appropriation through a 14-day passive review process with monies from the Committee's supplemental GPR appropriation [s. 20.865(4)(a)]. The supplemental appropriation is provided an undesignated reserve of \$133,600 GPR per year. To date, the Committee has expended reserve funds of \$41,500, resulting in an available balance of \$92,100 in 2019-20 and \$133,600 in 2020-21.

FISCAL EFFECT

In a fiscal note accompanying the bill, DMA estimates that the number of LTEs would increase from 120 to 240 under the re-designation, thereby increasing equipment, training, and exercise costs. The bill provides \$500,000 GPR annually to support these costs.

The Department indicates it may need to request additional funds for expenses incurred on a deployment if a responsible party is not identified or if sufficient response costs are not collected to cover reimbursements to local agencies within the timeline provided under the bill. To address cash flow concerns, the amendment authorizes DMA to request additional funds through a passive review process. Under current law, the Committee does not have the statutory authority to supplement the Department's PR appropriation with GPR through passive review, as provided under the amendment. Under s. 20.865(4)(a) of the statutes, the Committee's GPR appropriation may be used "to supplement *appropriations of the general fund* which prove insufficient," not appropriations funded by program revenue. Further, given the limited amount of undesignated GPR funding available

(\$92,100 in 2019-20 and \$133,600 in 2020-21), the Committee could decide that utilizing the supplemental appropriation for the task force is not an appropriate use of reserve funds.

If the Committee has concerns about supplementing a PR appropriation using GPR, and also wishes to address DMA's concerns regarding cash flow, the bill could be modified as follows: (a) specify that DMA's existing, GPR sum sufficient disaster recovery aid appropriation [s. 20.465(3)(e)] may be used to reimburse a local agency for a USR task force deployment in the event that sufficient funds are unavailable under s. 20.465(3)(hm); and (b) specify that any subsequent monies collected by DMA as reimbursement for a USR task force deployment lapse to the general fund in the event that the deployment was funded by the disaster recovery aid appropriation. The Department could then use the sum sufficient appropriation to reimburse local agencies within 60 days without necessitating use of the Committee's GPR supplemental appropriation.

Under current law, DMA's disaster recovery aid appropriation is used to pay the state share of grants to individuals, to make payments to local governments under federal disaster recovery programs, and to reimburse local health departments. The Department expended \$1.6 million from the appropriation in 2017-18 and \$2.8 million in 2018-19. The disaster recovery aid appropriation is estimated at \$2.4 million GPR annually during the 2019-21 biennium.

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