



2009 SENATE BILL 229

June 4, 2009 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

1 **AN ACT** *to create* 166.218 and 895.483 (4) of the statutes; **relating to:** regional
2 structural collapse teams and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Emergency Management and Continuity of Government. The bill puts in place statutes governing regional teams established to respond to structural collapse emergencies. The bill directs the Division of Emergency Management (division) to contract with local agencies to establish no more than four regional structural collapse teams. Team members must meet specified National Fire Protection Association standards. A team member who is acting under a contract is considered an employee of the state for purposes of worker's compensation benefits. Teams, team members, and the local agencies that contract with the division are immune from civil liability for acts or omissions related to carrying out contract responsibilities.

The bill specifies circumstances in which the division will reimburse a team for costs incurred in responding to a structural collapse emergency, as well as the obligation of a person responsible for a structural collapse to reimburse the division. The bill directs the division to promulgate rules establishing standards to be used to determine whether a team has: (1) made a good faith effort to identify a person responsible for a structural

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collapse emergency; and (2) determined the financial ability of a responsible person to reimburse the team for expenses incurred in responding to the emergency.

1 **SECTION 1.** 166.218 of the statutes is created to read:

2 **166.218 Structural collapse emergency response.** (1) A regional
3 structural collapse team shall assist in the emergency response to a structural
4 collapse incident in a region of this state designated by the division. The division
5 shall contract with local agencies, as defined in s. 166.22 (1) (c), to establish no more
6 than 4 regional structural collapse teams. A member of a regional structural collapse
7 team shall meet the highest standards for a structural collapse team under the
8 National Fire Protection Association standards NFPA 1006 and 1670.

9 (2) The division shall reimburse a regional structural collapse team for costs
10 incurred by the team in responding to an emergency involving a structural collapse
11 incident if the team determines that a structural collapse emergency requiring a
12 response existed as provided under the rules promulgated under sub. (5).
13 Reimbursement under this subsection is limited to amounts collected under sub. (3).
14 Reimbursement under this subsection is available only if the regional structural
15 collapse team has done one of the following:

16 (a) Made a good faith effort to identify the person responsible under sub. (3) and
17 that person cannot be identified.

18 (b) Identified the person responsible under sub. (3) and received
19 reimbursement from that person to the extent that the person is financially able.

20 (c) Identified the person responsible under sub. (3) and determined that the
21 person does not have adequate money or other resources to reimburse the regional
22 structural collapse team.

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

5 (a) The person possessed or controlled a structure that was involved in the
6 structural collapse.

7 (b) The person caused the structural collapse.

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

11 **(5)** (a) The division shall promulgate rules establishing standards to be used
12 to determine all of the following:

13 1. If a regional structural collapse team has made a good faith effort to identify
14 a person responsible for the emergency involving a structural collapse.

15 2. If a regional structural collapse team has determined that a person
16 responsible for the emergency involving structural collapse is financially able or has
17 the money or resources necessary to reimburse the structural collapse team for the
18 expenses incurred by that team in responding to the emergency.

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

22 **SECTION 2.** 895.483 (4) of the statutes is created to read:

23 895.483 **(4)** A regional structural collapse team, a member of such a team, and
24 a local agency, as defined in s. 166.22 (1) (c), that contracts with the division of
25 emergency management in the department of military affairs for the provision of a

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SECTION 2

1 regional structural collapse team, are immune from civil liability for acts or
2 omissions related to carrying out responsibilities under a contract under s. 166.218
3 (1).

4 (END)