



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5591/1
EVM:skw

2019 BILL

1 **AN ACT to amend** 86.34 (2) of the statutes; **relating to:** aids for certain highways
2 damaged by a disaster.

Analysis by the Legislative Reference Bureau

Under current law, if a highway that is not on the state trunk highway system is damaged by a disaster, the county or municipality that has jurisdiction over the highway may petition the Department of Transportation for payment of disaster damage aid. A “disaster” is any of the following: 1) a severe storm, flood, fire, tornado, mudslide, or other natural event external to a highway; 2) the sudden failure of a major element or segment of the highway system due to a cause that is external to a highway, but not including any failure primarily attributable to gradual and progressive deterioration or lack of proper maintenance of a highway; or 3) an event or recurring damage caused by any governmental unit or person acting under the direction or approval of, or permit issued by, any governmental unit and in response to an event described in item 1) or 2). Upon receipt of a petition, DOT must make an investigation and determine whether to grant aid, the amount of the aid, and the conditions under which aid is granted. For an event described in item 1) or 2), the amount of aid is 75 percent of the repair or replacement cost and, if reconstructing improved facilities is warranted, an additional 50 percent of the increased cost of constructing the improved facilities.

Under this bill, for an event described in item 1) or 2), the amount of aid for constructing improved facilities is increased from 50 percent to 75 percent of the increased cost resulting from the improvement not to exceed \$75,000.

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For further information see the *state and local* 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.** 86.34 (2) of the statutes is amended to read:

2 86.34 (2) The department shall make such investigation as it deems necessary
3 and within 6 months from the date of filing the petition shall make its determination
4 as to the granting of aid, the amount thereof, and the conditions under which it is
5 granted. In making its determination the department shall cause an estimate to be
6 made of the cost of repairing or replacing the facilities damaged or destroyed to
7 standards and efficiency similar to those existing immediately before the damage or
8 destruction, and also an estimate of the cost of reconstructing the facilities to a higher
9 type or improving any such facilities if determined to be warranted and advisable.
10 Except as provided in subs. (2m) and (6), the amount of aid payable for damage
11 caused by a disaster described in sub. (1g) (b) 1. shall be 75 percent of the cost of
12 repair or replacement to standards similar to those existing immediately before the
13 damage or destruction, plus ~~50~~ 75 percent of the increased cost of the reconstruction
14 to a higher type or the improvement of any of the facilities, except that the amount
15 payable for the increased cost of the reconstruction to a higher type or improvement
16 of facilities may not exceed \$75,000. Except as provided in subs. (2m) and (6), the
17 amount of aid payable for damage caused by a disaster described in sub. (1g) (b) 2.
18 shall be 70 percent of the cost of repair or replacement to standards similar to those
19 existing immediately before the damage or destruction. The department may revise
20 estimates on the basis of additional facts. The county, town, village, or city shall pay
21 the remainder of the cost not allowed as aid, but this shall not invalidate any other

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1 provision of the statutes whereby the cost may be shared by the county and the town,
2 village, or city.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to a disaster occurring on the effective date of this
5 subsection.

6 (END)