



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5597/1
MLJ&MPG:cdc

2019 BILL

1 **AN ACT to renumber and amend 323.31; to amend 20.465 (3) (b); and to create**
2 323.31 (2) of the statutes; **relating to:** disaster assistance payments and
3 making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Military Affairs is required to make payments to retail electric cooperatives, local governmental units, and federally recognized American Indian tribes and bands in this state for damages and costs incurred as the result of certain disasters. Current law requires that the recipient of a disaster assistance payment cover 30 percent of the amount of the damages and costs resulting from the disaster. This bill reduces that matching requirement to 25 percent.

Additionally, the bill authorizes disaster assistance payments to be made for costs incurred for approved hazard mitigation measures after a disaster. The bill also requires that all of the emergency work and permanent work categories designated by the federal emergency management agency (FEMA) be eligible for disaster assistance payments. FEMA designates the following as emergency and permanent work categories:

- Category A: Debris removal.
- Category B: Emergency protective measures.
- Category C: Roads and bridges.
- Category D: Water control facilities.
- Category E: Buildings and equipment.

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Category F: Utilities.

Category G: Parks, recreational areas, and other facilities.

Finally the bill provides \$2,500,000 per fiscal year in the 2019-21 fiscal biennium for DMA to make and administer disaster assistance payments.

For further information see the *state* 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.** 20.465 (3) (b) of the statutes is amended to read:

2 20.465 (3) (b) *State disaster assistance.* The amounts in the schedule to
3 administer and provide payments under s. 323.31 for damages and costs incurred as
4 the result of a disaster.

5 **SECTION 2.** 323.31 of the statutes, as affected by 2019 Wisconsin Act 9, is
6 renumbered 323.31 (1) and amended to read:

7 323.31 (1) From the appropriations under s. 20.465 (3) (b) and (s), the adjutant
8 general shall make payments to retail electric cooperatives, as defined in s. 16.957
9 (1) (t), to local governmental units, as defined in s. 19.42 (7u), and to federally
10 recognized American Indian tribes and bands in this state for the damages and costs
11 incurred as the result of a disaster, including costs incurred for approved hazard
12 mitigation measures after a disaster, if federal disaster assistance is not available
13 for that disaster because the governor's request that the president declare the
14 disaster a major disaster under 42 USC 5170 has been denied or because the disaster,
15 as determined by the department of military affairs, does not meet the statewide or
16 countywide per capita impact indicator under the public assistance program that is
17 issued by the federal emergency management agency. To be eligible for a payment
18 under this section, the retail electric cooperative, local governmental unit, or tribe
19 or band shall pay ~~30~~ 25 percent of the amount of the damages and costs resulting from

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1 the disaster. The department of military affairs shall promulgate rules establishing
2 the application process and the criteria for determining eligibility for payments
3 under this section.

4 **SECTION 3.** 323.31 (2) of the statutes is created to read:

5 323.31 (2) All of the emergency work and permanent work categories
6 designated by the federal emergency management agency shall be eligible for
7 payments under sub. (1).

8 **SECTION 4. Nonstatutory provisions.**

9 (1) There is authorized for the division of emergency management in the
10 department of military affairs 1.0 FTE GPR Wisconsin disaster fund coordinator
11 position and 2.0 FTE GPR hazard mitigation specialist positions to be funded from
12 the appropriation under s. 20.465 (3) (a).

13 **SECTION 5. Fiscal changes.**

14 (1) In the schedule under s. 20.005 (3) for the appropriation to the department
15 of military affairs under s. 20.465 (3) (a), the dollar amount for fiscal year 2019-20
16 is increased by \$232,000 to fund the positions authorized under SECTION 4 (1) of this
17 act. In the schedule under s. 20.005 (3) for the appropriation to the department of
18 military affairs under s. 20.465 (3) (a), the dollar amount for fiscal year 2020-21 is
19 increased by \$232,000 to fund the positions authorized under SECTION 4 (1) of this act.

20 (2) In the schedule under s. 20.005 (3) for the appropriation to the department
21 of military affairs under s. 20.465 (3) (b), the dollar amount for fiscal year 2019-20
22 is increased by \$2,500,000 to provide payments under s. 323.31. In the schedule
23 under s. 20.005 (3) for the appropriation to the department of military affairs under

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1 s. 20.465 (3) (b), the dollar amount for fiscal year 2020-21 is increased by \$2,500,000
2 to provide payments under s. 323.31.

3 (END)