

State of Misconsin 2023 - 2024 LEGISLATURE

LRB-5138/1 ZDW:skw

2023 SENATE BILL 785

December 8, 2023 - Introduced by Senators Smith, Hesselbein, Pfaff and Spreitzer, cosponsored by Representatives Billings, Andraca, Baldeh, Conley, Considine, Doyle, Drake, Emerson, Joers, Madison, Ohnstad, Ratcliff, Shankland and Palmeri. Referred to Committee on Natural Resources and Energy.

AN ACT to create 20.370 (9) (pq) and 23.199 of the statutes; relating to: creating
a Mississippi River erosion control revolving loan program, extending the time
limit for emergency rule procedures, providing an exemption from emergency
rule procedures, granting rule-making authority, and making an
appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to administer a revolving loan program to assist municipalities and owners of homes located on the shore of the Mississippi River where the structural integrity of municipal buildings or homes is threatened by erosion of the shoreline. The bill appropriates \$2,000,000 to DNR for this purpose and increases DNR's position authorization by 0.5 FTE position to administer the program. The bill requires DNR to promulgate rules to administer the program, including eligibility requirements and income limitations, and authorizes DNR to promulgate emergency rules for the period before permanent rules take effect.

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:

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SECTION 1

1	Section 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2	the following amounts for the purposes indicated:
	2023-24 2024-25
3	20.370 Natural resources, department of
4	(9) External services
5	(pq) Mississippi River erosion control
6	revolving loan program SEG C 2,000,000 -0-
7	Section 2. 20.370 (9) (pq) of the statutes is created to read:
8	20.370 (9) (pq) Mississippi River erosion control revolving loan program. As
9	a continuing appropriation, from the environmental fund, the amounts in the
10	schedule for the Mississippi River erosion control revolving loan program under s.
11	23.199.
12	Section 3. 23.199 of the statutes is created to read:
13	23.199 Mississippi River erosion control revolving loan program. (1)
14	The department shall administer a revolving loan program to assist municipalities
15	and owners of homes located on the shore of the Mississippi River where the
16	structural integrity of municipal buildings or homes is threatened by erosion of the
17	shoreline.
18	(2) The department shall make loans under this section from the appropriation
19	account under s. 20.370 (9) (pq).
20	(3) The department shall promulgate rules to administer this section,
21	including rules establishing eligibility criteria and income limitations for loans
22	under this section.
23	Section 4. Nonstatutory provisions.

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(1) Position Authorization. The authorized FTE positions for the department
of natural resources, funded from the appropriation under s. 20.370 (9) (pq), are
increased by $0.5~\mathrm{SEG}$ position for the purpose of administering the Mississippi River
erosion control revolving loan program.

(2) EMERGENCY RULES. The department of natural resources may use the procedure under s. 227.24 to promulgate emergency rules under s. 23.199 for the period before the date on which permanent rules under s. 23.199 take effect. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until the first day of the 25th month beginning after the effective date of the emergency rules, the date on which the permanent rules take effect, or the effective date of the repeal of the emergency rules, whichever is earlier. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural resources is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(END)