



2021 ASSEMBLY BILL 1107

March 10, 2022 - Introduced by Representatives SHANKLAND, NOVAK, ANDRACA, BILLINGS, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, HEBL, HESSELBEIN, NEUBAUER, OHNSTAD, POPE, S. RODRIGUEZ, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VRUWINK and BALDEH, cosponsored by Senators SMITH, AGARD, CARPENTER, LARSON, RINGHAND and L. TAYLOR. Referred to Committee on State Affairs.

1 **AN ACT to amend** 25.60 and 299.97 (2); and **to create** 13.59, 20.855 (4) (fb), 25.44
2 and 299.87 of the statutes; **relating to:** creating the water fund for our future
3 and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a new nonlapsible trust fund, designated as the water fund for our future, to consist of \$10,000,000 transferred biennially from the general fund. Under the bill, the Joint Committee on Finance may at any time transfer any amount of the unencumbered balance from the fund to the budget stabilization fund, if the budget stabilization fund has been fully expended.

The bill also creates the Joint Committee for the Oversight of the Water Fund for Our Future. Under the bill, the committee receives applications for making expenditures from the fund and makes recommendations to JCF regarding use of the fund.

Under the bill, the committee may also recommend to JCF an amount to transfer to a rapid response account created within the water fund for our future, which may be used by the Department of Natural Resources and the Department of Health Services to respond to natural disasters and public health emergencies. Funds from the rapid response account may be used for the costs of remediation and to notify, relocate, and assist people affected by the natural disaster or public health emergency.

The bill also allows DNR and the Department of Justice to seek reimbursement from responsible parties for funds expended from the water fund for our future.

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In addition, the bill allows any agency to submit a request to JCF for supplemental funds from the water fund for our future. JCF may approve the request after considering any recommendation from the Joint Committee for the Oversight of the Water Fund for Our Future.

Finally, the bill provides additional funding for the University of Wisconsin System under its general program operations appropriation and for special education aid for school districts, independent charter schools, cooperative educational service agencies, and county children with disabilities education boards for purposes of maintaining compliance with maintenance of effort requirements of the federal Consolidated Appropriations Act and the federal American Rescue Plan Act.

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.** 13.59 of the statutes is created to read:

2 **13.59 Joint committee for the oversight of the water fund for our**
3 **future. (1) CREATION.** There is created a joint standing committee for the oversight
4 of the water fund for our future composed of 3 majority party and 2 minority party
5 senators and 3 majority party and 2 minority party representatives to the assembly,
6 appointed as are the members of standing committees in their respective houses.

7 **(2) OFFICERS.** In making appointments of the members of each house, each
8 house shall designate a cochairperson.

9 **(3) STAFF.** The committee shall be staffed as are other standing committees of
10 the legislature.

11 **(4) MEETINGS.** The committee shall meet as often as necessary to perform its
12 duties and functions.

13 **(5) POWERS AND DUTIES.** (a) The committee shall do all of the following:

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1 1. Receive applications for making expenditures from the water fund for our
2 future and make recommendations to the joint committee on finance regarding use
3 of the water fund for our future.

4 2. Recommend to the joint committee on finance an amount to transfer from
5 the water fund for our future to the rapid response account under s. 25.44 (3).

6 (b) The committee may not recommend, and the joint committee on finance may
7 not approve, expenditures from the water fund for our future for purposes other than
8 to fund activities relating to clean water.

9 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
10 the following amounts for the purposes indicated:

2021-22 2022-23

11 **20.855 Miscellaneous appropriations**

12 (4) TAX, ASSISTANCE AND TRANSFER PAYMENTS

13 (fb) Transfer to the water fund for

our future	GPR	B	5,000,000	5,000,000
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15 **SECTION 3.** 20.855 (4) (fb) of the statutes is created to read:

16 20.855 (4) (fb) *Transfer to the water fund for our future.* Biennially, from the
17 general fund, the amounts in the schedule to be transferred to the water fund for our
18 future.

19 **SECTION 4.** 25.44 of the statutes is created to read:

20 **25.44 Water fund for our future.** (1) There is established a separate
21 nonlapsible trust fund designated as the water fund for our future, to consist of all
22 moneys transferred under s. 20.855 (4) (fb) and all moneys collected by the
23 department of natural resources or the department of justice under settlement

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1 agreements or orders in settlement of actions or proposed actions as reimbursement
2 for expenditures from this fund.

3 (2) The joint committee on finance may at any time transfer any amount of the
4 unencumbered balance from this fund to the budget stabilization fund if the moneys
5 in the budget stabilization fund have been fully expended.

6 (3) There is established in the water fund for our future a rapid response
7 account consisting of all moneys transferred to the account by the joint committee
8 on finance, which may at any time transfer any amount of the unencumbered balance
9 from the water fund for our future to the rapid response account. Moneys in the rapid
10 response account shall be reserved for discretionary use by the department of
11 natural resources and the department of health services under s. 299.87.

12 **SECTION 5.** 25.60 of the statutes is amended to read:

13 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
14 trust fund designated as the budget stabilization fund, consisting of moneys
15 transferred to the fund from the general fund under ss. 16.518 (3) and 16.72 (4) (b)
16 and any moneys transferred to the fund from the water fund for our future under s.
17 25.44. Moneys in the budget stabilization fund are reserved to provide state revenue
18 stability during periods of below-normal economic activity when actual state
19 revenues are lower than estimated revenues under s. 20.005 (1).

20 **SECTION 6.** 299.87 of the statutes is created to read:

21 **299.87 Rapid response; supplemental funding requests from the water**
22 **fund for our future.** (1) The department and the department of health services
23 may use moneys from the rapid response account of the water fund for our future
24 under s. 25.44 to respond to natural disasters and public health emergencies. Funds
25 from the rapid response account may be used for the costs of remediation and to

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1 notify, relocate, and assist people affected by the natural disaster or public health
2 emergency. The department and the department of health services may promulgate
3 rules as necessary to establish procedures and policies for the use of moneys from the
4 rapid response account.

5 (2) Any department may submit to the joint committee on finance for
6 consideration under s. 13.10 a request for funding from the water fund for our future.
7 The joint committee on finance shall notify the joint committee for the oversight of
8 the water fund for our future of the request. After receiving notification of a request,
9 and at least 14 working days before the next regularly scheduled meeting of the joint
10 committee on finance under s. 13.10, the joint committee for the oversight of the
11 water fund for our future shall submit to the joint committee on finance a written
12 recommendation regarding the request. The joint committee on finance may provide
13 the requested supplement only if the joint committee for the oversight of the water
14 fund for our future recommends approving the request.

15 **SECTION 7.** 299.97 (2) of the statutes is amended to read:

16 299.97 (2) In addition to the penalties provided under sub. (1), the court may
17 award the department of justice the reasonable and necessary expenses of the
18 investigation and prosecution of the violation, including attorney fees. The
19 department of justice shall deposit in the state treasury for deposit into the general
20 fund all moneys that the court awards to the department or the state under this
21 subsection, except that any moneys awarded as reimbursement for expenditures
22 from the water fund for our future shall be deposited into that fund. The costs of
23 investigation and the expenses of prosecution, including attorney fees, shall be
24 credited to the appropriation account under s. 20.455 (1) (gh).

25 **SECTION 8. Fiscal changes.**

