



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-5750/1  
ZDW:ahc

## 2019 SENATE BILL 878

February 28, 2020 - Introduced by Senators SMITH and RINGHAND, cosponsored by Representatives BILLINGS, EMERSON, POPE, SUBECK and SPREITZER. Referred to Committee on Natural Resources and Energy.

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

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***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 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.

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

**SENATE BILL 878**

**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:

				<b>2019-20</b>	<b>2020-21</b>
3	<b>20.370</b>	<b>Natural resources, department of</b>			
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.**

**SENATE BILL 878**

1 (1) POSITION AUTHORIZATION. The authorized FTE positions for the department  
2 of natural resources, funded from the appropriation under s. 20.370 (9) (pq), are  
3 increased by 0.5 SEG position for the purpose of administering the Mississippi River  
4 erosion control revolving loan program.

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

17 (END)