



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5962/1
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2023 SENATE BILL 1087

March 6, 2024 - Introduced by Senators SMITH, LARSON and SPREITZER, cosponsored by Representatives SHANKLAND, BILLINGS, CONLEY, DRAKE, EMERSON, JOERS, MOORE OMOKUNDE, NEUBAUER, PALMERI, RATCLIFF, SINICKI, STUBBS and SUBECK. Referred to Committee on Natural Resources and Energy.

1 **AN ACT to amend** 25.60 and 299.97 (2); and **to create** 13.59, 20.370 (4) (az),
2 20.435 (1) (s), 25.17 (1) (ymk), 25.44 and 299.87 of the statutes; **relating to:**
3 creating the water fund for our future, granting rule-making authority, and
4 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 a onetime transfer of \$250,000,000 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, composed of three majority party and two minority party senators and three majority party and two minority party representatives to the assembly, appointed as are the members of standing committees in their respective houses; the secretary of health services or his or her designee; and the secretary of natural resources or his or her designee. 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.

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Funds from the rapid response account may be used for the costs of remediation and to notify, relocate, and assist individuals 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.

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. Under the bill, if a member of JCF objects to a request for supplemental funds, the name of each objecting member, as well as the reason for each objection, must be recorded and made publicly available.

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; the
7 secretary of health services or his or her designee; and the secretary of natural
8 resources or his or her designee.

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

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

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

15 **(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.** 20.370 (4) (az) of the statutes is created to read:

10 20.370 (4) (az) *Rapid response actions.* From the rapid response account of the
11 water fund for our future, a sum sufficient for rapid response actions in response to
12 natural disasters and public health emergencies under s. 299.87.

13 **SECTION 3.** 20.435 (1) (s) of the statutes is created to read:

14 20.435 (1) (s) *Rapid response actions.* From the rapid response account of the
15 water fund for our future, a sum sufficient for rapid response actions in response to
16 natural disasters and public health emergencies under s. 299.87.

17 **SECTION 4.** 25.17 (1) (ymk) of the statutes is created to read:

18 25.17 (1) (ymk) Water fund for our future (s. 25.44);

19 **SECTION 5.** 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 2023 Wisconsin Act ... (this act), section 9 (1), and all
23 moneys collected by the department of natural resources or the department of justice
24 under settlement agreements or orders in settlement of actions or proposed actions
25 as reimbursement for expenditures from this fund.

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

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

10 **SECTION 6.** 25.60 of the statutes is amended to read:

11 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
12 trust fund designated as the budget stabilization fund, consisting of moneys
13 transferred to the fund from the general fund under ss. 16.518 (3) and 16.72 (4) (b)
14 and any moneys transferred to the fund from the water fund for our future under s.
15 25.44. Moneys in the budget stabilization fund are reserved to provide state revenue
16 stability during periods of below-normal economic activity when actual state
17 revenues are lower than estimated revenues under s. 20.005 (1).

18 **SECTION 7.** 299.87 of the statutes is created to read:

19 **299.87 Rapid response; supplemental funding requests from the water**
20 **fund for our future.** (1) The department and the department of health services
21 may use moneys from the rapid response account of the water fund for our future
22 under s. 25.44 to respond to natural disasters and public health emergencies. Funds
23 from the rapid response account may be used for the costs of remediation and to
24 notify, relocate, and assist individuals affected by the natural disaster or public
25 health emergency. The department and the department of health services may

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1 promulgate rules as necessary to establish procedures and policies for the use of
2 moneys from the rapid response account.

3 (2) Any department or agency of the state may submit to the joint committee
4 on finance for consideration under s. 13.10 a request for funding from the water fund
5 for our future. The joint committee on finance shall notify the joint committee for the
6 oversight of the water fund for our future of the request. After receiving notification
7 of a request, and at least 14 working days before the next regularly scheduled
8 meeting of the joint committee on finance under s. 13.10, the joint committee for the
9 oversight of the water fund for our future shall submit to the joint committee on
10 finance a written recommendation regarding the request. The joint committee on
11 finance may provide the requested supplement only if the joint committee for the
12 oversight of the water fund for our future recommends approving the request. If a
13 member of the committee objects to a request for funding under this subsection, the
14 name of each objecting member, as well as the reason for each objection, shall be
15 recorded and made publicly available.

16 **SECTION 8.** 299.97 (2) of the statutes is amended to read:

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

