



2023 ASSEMBLY BILL 222

April 3, 2023 - Introduced by Representatives OLDENBURG, NOVAK, SHANKLAND, SPIROS, KRUG, GREEN, MURSAU, KURTZ, EDMING, KITCHENS, ANDRACA, BALDEH, CONLEY, BEHNKE, RETTINGER, PALMERI, SUBECK, JOERS and BILLINGS, cosponsored by Senators QUINN, COWLES, CABRAL-GUEVARA, TESTIN, JACQUE, WIMBERGER, JAMES and SPREITZER. Referred to Committee on Local Government.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 323.63 of the statutes; **relating to:** a pre-disaster flood
2 resilience grant program.

Analysis by the Legislative Reference Bureau

This bill requires the Division of Emergency Management (division) in the Department of Military Affairs to create and administer a pre-disaster flood resilience grant program. Under the program, the division may provide assessment or implementation grants for projects aimed at identifying and improving flood vulnerabilities and resilience priorities in local governmental units. “Local governmental unit” is defined in the bill to mean a city, village, town, county, regional planning commission, or federally recognized American Indian tribe or band in this state. The division may award to a grant applicant up to \$300,000 per assessment grant, and \$250,000 per implementation grant. The program grants may cover up to 75 percent of the total anticipated project cost, and the applicant must detail from where it will source the remaining funding.

Under the bill, the division may only consider applications for a grant under the program if one of the following applies: 1) the application is for a project area that was the site of a presidentially declared disaster for flooding at any time in the 10 years preceding the grant cycle; 2) the application is for a project area that was the site of a governor-declared state of emergency for flooding at any time in the 10 years preceding the grant cycle; or 3) the application is for a local governmental unit that has a division-approved hazard mitigation plan that identifies localized exposure to flood risk. The division may consult with other state agencies regarding the administration of the program or the review of grant applicants.

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Under the bill, persons awarded a grant under the pre-disaster flood resilience grant program must spend all of the program's grant moneys received within two years of receiving the grant moneys, and within 90 days of project completion must provide to the division a report regarding a summary of the project's goals, activities conducted with grant moneys, and data demonstrating project goals to date. No later than July 1, 2024, and annually thereafter, the division shall submit a report to the governor and appropriate standing committees of the legislature that describes program activities and accomplishments of the preceding year, lists the grant recipients and grants awarded, and makes a recommendation on program continuation and funding levels. However, no report is required for any year that the program is not funded.

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

2 **323.63 Pre-disaster flood resilience grant program.** (1) DEFINITIONS. In
3 this section:

4 (a) "Assessment grant" means a grant awarded under sub. (3).

5 (b) "Implementation grant" means a grant awarded under sub. (4).

6 (c) "Local governmental unit" means any city, village, town, county, regional
7 planning commission, or federally recognized American Indian tribe or band in this
8 state.

9 (d) "Program" means the pre-disaster flood resilience grant program described
10 in sub. (2) (a).

11 **(2) CREATION AND ADMINISTRATION.** (a) The division shall create and administer
12 a pre-disaster flood resilience grant program to provide grants to applicants for the
13 purpose of identifying flood vulnerabilities, identifying options to improve flood
14 resiliency, and restoring hydrology in order to reduce flood risk and damages in
15 flood-prone communities.

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1 (b) The program shall provide grants as described in subs. (3) and (4), and shall
2 establish an annual grant cycle.

3 (c) In each fiscal biennium, for each dollar the program awards for an
4 assessment grant under sub. (3), the program may award no more than 67 percent
5 of a dollar for an implementation grant under sub. (4).

6 **(3) ASSESSMENT GRANTS.** (a) Assessment grants awarded under this subsection
7 shall support applicants' generation and gathering of information on vulnerabilities
8 and identification of flood resilience priorities on a watershed, catchment, or stream
9 reach-scale through one or more of the following activities:

10 1. Assessments aimed at understanding flood flows and erosion hazards and
11 vulnerabilities and identifying opportunities to increase flood resilience, including
12 opportunities to restore wetland, stream, and floodplain hydrology.

13 2. Development of culvert inventories using the Great Lakes Stream Crossing
14 Inventory, or using another road-stream crossing inventory method that considers
15 structural risk factors, aquatic organism passage, and upstream hydrologic
16 conditions, and that is at least as effective as the Great Lakes Stream Crossing
17 Inventory.

18 3. Conducting hydrologic and hydraulic studies that help develop hydrologic
19 models.

20 (b) Data generated from activities under par. (a) may not be deemed proprietary
21 and shall be provided to entities that develop local hazard mitigation plans.

22 (c) The division may award an assessment grant of up to \$300,000 for any
23 combination of activities enumerated in par. (a). An assessment grant awarded
24 under this subsection shall be for a maximum of 75 percent of the total anticipated
25 project cost, and the assessment grant recipient shall secure the remaining funding.

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1 The remaining funding secured by the assessment grant recipient or local
2 governmental unit may include the value of in-kind contributions, including goods
3 and services and administrative costs.

4 (d) An assessment grant application shall include the following information:

5 1. Written documentation from the local governmental unit's main
6 decision-authorizing body indicating that the body has authorized the local
7 governmental unit's participation in the grant project.

8 2. Written documentation from the local governmental unit's body responsible
9 for expending the local governmental unit's funds indicating the body of the local
10 governmental unit's commitment or intention to expend funds or provide in-kind
11 contributions for the grant project.

12 3. Information detailing all sources of funding for the project that will not be
13 covered by the grant award under this subsection.

14 **(4) IMPLEMENTATION GRANTS.** (a) Implementation grants awarded under this
15 subsection shall be used for implementation of hydrologic restoration projects that
16 have been either identified or designed through an activity specified under sub. (3)
17 (a), or through a comparable assessment process, as determined by the division.
18 Implementation grants awarded under this subsection shall support the regulatory
19 coordination, engineering and design, construction, or post-construction monitoring
20 of an applicant's hydrologic restoration project that reconnects streams and
21 floodplains, reestablishes healthy channel form and condition, mitigates erosion
22 hazards, removes or reduces wetland drainage, restores or improves natural flow
23 and movement of water or sediment, or reestablishes vegetation to support site
24 stability and help manage flow and infiltration.

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1 (b) The maximum amount of an implementation grant award under this
2 subsection shall be \$250,000. An implementation grant awarded under this
3 subsection shall be for a maximum of 75 percent of the total anticipated project cost,
4 and the implementation grant recipient shall secure the remaining funding. The
5 remaining funding secured by the assessment grant recipient or local governmental
6 unit may include the value of in-kind contributions, including goods and services
7 and administrative costs.

8 (c) An implementation grant application shall include the following
9 information:

10 1. Written documentation from the local governmental unit's main
11 decision-authorizing body indicating that the body has authorized the local
12 governmental unit's participation in the grant project.

13 2. Written documentation from the local governmental unit's body responsible
14 for expending the local governmental unit's funds indicating the body of the local
15 governmental unit's commitment or intention to expend funds or provide in-kind
16 contributions for the grant project.

17 3. Information detailing all sources of funding for the project that will not be
18 covered by the grant award under this subsection.

19 **(5) ELIGIBILITY.** (a) The following persons are eligible to apply for a grant under
20 this section:

21 1. One or more local governmental units.

22 2. A nonprofit organization applying on behalf of one or more local
23 governmental units.

24 3. A private consulting organization applying on behalf of one or more local
25 governmental units.

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1 (b) The division may consider an application for a grant under this section only
2 if one of the following applies:

3 1. The application includes in its project area an area that has been the site of
4 a presidentially declared disaster for flooding at any time in the 10 years preceding
5 the applicable grant cycle.

6 2. The application includes in its project area an area that has previously been
7 the site of a governor-issued state of emergency for flooding at any time in the 10
8 years preceding the applicable grant cycle.

9 3. The application is for a local governmental unit that has a division-approved
10 hazard mitigation plan that identifies localized exposure to flood risk.

11 **(6) GRANT RECIPIENT REQUIREMENTS.** (a) 1. A grant recipient shall spend all of
12 the grant money received from the program under this section on the project
13 described in the grant application within 2 years of receiving the grant money.

14 2. Notwithstanding subd. 1., the division may extend the time by which a grant
15 recipient shall spend all of the grant money received from the program under this
16 section to match a timeline requirement of a federal grant.

17 (b) A grant recipient shall provide to the division a report within 90 days of
18 completion of the grant project, or 2 years after receiving the grant money, whichever
19 occurs first. The report shall summarize project goals, activities conducted with the
20 grant, and data and other observations demonstrating progress-to-date toward
21 project goals.

22 **(7) POWERS AND DUTIES.** (a) The division shall develop methods for evaluating
23 grant applications and shall consider all of the following in evaluating a grant
24 application:

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1 1. The extent to which the project area has been subject to, or is upstream from
2 areas that have been subject to, repetitive flooding and erosion damage.

3 2. The extent to which the project demonstrates a cost-effective basis for the
4 proposed actions.

5 3. The extent to which the project has a clear plan for demonstrating
6 measurable results.

7 4. For assessment grant applications, the extent to which the project will
8 generate data useful for updates to hazard mitigation plans, land and water resource
9 management plans, or other local watershed plans or priorities.

10 5. Other criteria that help prioritize projects with the most beneficial impacts,
11 as developed by the division.

12 (b) The division shall establish by policy grant application requirements,
13 including requirements relating to project narratives, scopes of work, budgeting
14 information, supporting documentation, and project timelines.

15 (c) The division may consult with other state agencies on the administration
16 of the program or the review of grant applications.

17 (d) The division shall make publicly available on the division's website each
18 report received under sub. (6) (b).

19 (e) 1. Except as provided in subd. 2., no later than July 1, 2024, and annually
20 thereafter, the division shall submit a report to the governor and the appropriate
21 standing committees of the legislature under s. 13.172 (3). The report shall describe
22 program activities and accomplishments of the preceding fiscal year, list the grant
23 recipients and grants awarded, and make a recommendation on program
24 continuation and funding levels.

