

2005 DRAFTING REQUEST

Bill

Received: **02/28/2006**

Received By: **btradewe**

Wanted: **Today**

Identical to LRB:

For: **Alan Lasee (608) 266-3512**

By/Representing: **Tom Van Ess**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - water quality**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lasee@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Compensation for wells contaminated by bacteria

Instructions:

Like 05-4729/2 but with attached changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	btradewe 02/28/2006	wjackson 02/28/2006	chaugen 03/01/2006	_____	sbasford 03/01/2006	sbasford 03/01/2006	

FE Sent For:

<END>

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/?	btradewe	1 wlj 2/28	ch 5/1	ch 5/1			State

FE Sent For:

<END>

2005 BILL

1 **AN ACT** *to amend* 281.75 (11) (a) 8.; and *to create* 281.75 (11) (ae) of the statutes;
2 **relating to:** compensation for wells contaminated by bacteria.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources administers a program that provides compensation to persons with contaminated wells. A person with a family income of not more than \$65,000 may be eligible for the program. The program generally pays 75 percent of eligible costs with a maximum award of \$9,000. Eligible costs include the costs of treating the well water or of constructing a new well or obtaining clean water from another source. Under current law, a person whose residential well is contaminated by bacteria and no other contaminant is not eligible for compensation under the program.

This bill authorizes the governor to declare that an emergency related to bacterial contamination of residential wells exists in an area of this state. The bill eliminates the restriction under which a person whose residential well is contaminated by bacteria and no other contaminant is prohibited from receiving compensation under the program that provides compensation to persons with contaminated wells if the well is located in an area in which such a declaration is in 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:

Tradewell, Becky

From: Van Ess, Thomas
Sent: Tuesday, February 28, 2006 6:19 PM
To: Tradewell, Becky
Subject: Becky can you draft this for the well compensation program thanks tom

We can get this scheduled in Sen. Kedzies committee at noon tomorrow if it is completed by 10:00am. Thanks, Tom

- ✓ 1. Do not refer to the Governor declaring a state of emergency; rather that the Department of Natural Resources (Department) identifies, "an area of special eligibility for compensation for well contamination."
2. Do not revise 281. 75 (11), instead add the "area of special eligibility" language (above) to 281.75 (2), "Duties of the Department."
- ✓ 3. The Department will determine "an area of special eligibility for compensation for well contamination", based on all of the following criteria:
 - (a) Well contamination from fecal contamination as determined by a certified lab.
 - (b) Demonstrated evidence of livestock contamination exists.
4. To be eligible for funds under the well compensation program in "an area of special eligibility for compensation for well contamination", any improperly abandoned wells (as defined under current law) during the Department's investigation shall be properly abandoned. ✓ These wells would be eligible for funding under the well compensation program.
- ✓ 5. The use of well compensation funding does not limit civil action taken by the landowner to recover costs not paid by well compensation funding.
- ✓ 6. The Department would be authorized to identify "an area of special eligibility for compensation for well contamination" for any contamination reported after December 31, 2005.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4778/1

RCT.:1:...

Wlj

Wanted 8:30

2005 BILL

D Note

1 AN ACT ^{Gen}...; relating to: compensation for certain wells contaminated by bacteria.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers a program that provides compensation to persons with contaminated wells. A person with a family income of not more than \$65,000 may be eligible for the program. The program generally pays 75 percent of eligible costs with a maximum award of \$9,000. Eligible costs include the costs of treating the well water or of constructing a new well or obtaining clean water from another source. Under current law, a person whose residential well is contaminated by bacteria and no other contaminant is not eligible for compensation under the program.

This bill authorizes DNR to declare an area of special eligibility for compensation for well contamination if laboratory results show that wells in the area are contaminated by fecal bacteria and evidence demonstrates that the bacterial contamination is caused by livestock. A person whose residential well is contaminated by bacteria and is in an area of special eligibility for compensation for well contamination may be eligible for compensation under the well compensation program. If DNR determines that the person has any other wells on his or her property that had been improperly abandoned, the person must properly abandon those wells to be eligible for compensation.

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:

BILL**SECTION 1**

1 **SECTION 1.** 281.75 (2) (e) of the statutes is created to read:

2 281.75 (2) (e) Declare an area of special eligibility for compensation for well
3 contamination, based on contamination reported after December 31, 2005, if all of
4 the following criteria are satisfied:

5 1. Results of tests performed by a laboratory certified under s. 299.11 establish
6 that wells in the area are contaminated by fecal bacteria.

7 2. Evidence demonstrates that the bacterial contamination is caused by
8 livestock.

9 **SECTION 2.** 281.75 (7) (c) 7. of the statutes is created to read:

10 281.75 (7) (c) 7. If the contaminated water supply is eligible under sub. (11) (ae),
11 the cost of properly abandoning any improperly abandoned private water supply
12 located on the property owned or leased by the claimant.

13 **SECTION 3.** 281.75 (11) (a) 8. of the statutes is amended to read:

14 281.75 (11) (a) 8. A residential water supply is contaminated by bacteria or
15 nitrates or both and is not contaminated by any other substance, except as provided
16 in par. (ae).

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

17 **SECTION 4.** 281.75 (11) (ae) of the statutes is created to read:

18 281.75 (11) (ae) I Bacterial contamination. Paragraph (a) 8. does not apply to a residential well that is
19 contaminated by bacteria and is in an area of special eligibility for compensation for
20 well contamination as declared by the department under sub. (2) (e).

21 **SECTION 5.** 281.75 (11m) of the statutes is created to read:

22 281.75 (11m) ABANDONMENT OF CERTAIN PRIVATE WATER SUPPLIES. If the
23 department determines that there is an improperly abandoned private water supply
24 located on property owned or leased by a claimant with a contaminated private water

BILL

1 supply that is eligible under sub. (11) (ae)[✓], the department may issue an award only
2 if the claimant properly abandons the improperly abandoned private water supply.

3 (END)

✓
DNote

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4778/1dn

RCT.....

Wlj

Tom Van Ess:

- * Notwithstanding point 2 of the instructions, I do not see a straightforward way to accomplish the intent of this draft without affecting s. 281.75 (11) (because s. 281.75 (11) (a) 8. would otherwise render these wells ineligible and because of the structure of s. 281.75) and I do not understand why there is any problem with affecting that provision (see, for example, current s. 281.75 (11) (am)).
- * Points 3(a) and (b) of the instructions are not entirely clear to me. Please review proposed s. 281.75 (2) (e) 1. and 2.

I do not think that there is a need to specify that the use of well compensation funding does not limit other civil actions because of current s. 281.75 (16).

Please contact me with any questions or redraft instructions. If there is not time to resolve any issues with the draft before the hearing, I can draft an amendment or substitute amendment later.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4778/1dn
RCT:wlj:ch

March 1, 2006

Tom Van Ess:

Notwithstanding point 2 of the instructions, I do not see a straightforward way to accomplish the intent of this draft without affecting s. 281.75 (11) (because s. 281.75 (11) (a) 8. would otherwise render these wells ineligible and because of the structure of s. 281.75), and I do not understand why there is any problem with affecting that provision (see, for example, current s. 281.75 (11) (am)).

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Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Basford, Sarah

From: Esser, Jennifer
Sent: Wednesday, March 01, 2006 9:20 AM
To: LRB.Legal
Subject: Draft Review: LRB 05-4778/1 Topic: Compensation for wells contaminated by bacteria

THIS IS A RUSH JOB.....

Please Jacket LRB 05-4778/1 for the SENATE.

CCC to SB-646 (LRB-4778/1)

Page 2, line 18: delete "BACTERIAL CONTAMINATION" and
substitute "Bacterial contamination"

(END)

3/1 WJ



State of Wisconsin
2005-2006 LEGISLATURE

CORRECTIONS IN:

2005 SENATE BILL 646

Prepared by the Legislative Reference Bureau
(March 2, 2006)

1. Page 2, line 18: delete "BACTERIAL CONTAMINATION." and substitute "*Bacterial contamination.*".

(END)