

1985 Senate Bill 221

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1985 Wisconsin Act 22

AN ACT *to repeal 144.027 (10) (d); to amend 20.370 (2) (eb) and (ec), 144.027 (1) (intro.), 144.027 (7) (intro.) and 144.027 (16) (d); to repeal and recreate 144.027 (10) (c); and to create 20.370 (2) (eg), 144.027 (5) (f) and (g) and 144.028 of the statutes, relating to revisions to the well compensation program, granting rule-making authority and making appropriations.*

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

SECTION 1. 20.370 (2) (eb) and (ec) of the statutes are amended to read:

20.370 (2) (eb) (title) *Compensation for well contamination; municipal water supply grants — payments.* As a continuing appropriation, the amounts in the schedule for the purpose of paying compensation under ~~s.~~ ss. 144.027 and 144.028.

(ec) (title) *Compensation for well contamination; municipal water supply grants — administration.* The amounts in the schedule for the purpose of administering ~~s.~~ ss. 144.027 and 144.028.

SECTION 2. 20.370 (2) (eg) of the statutes is created to read:

20.370 (2) (eg) *Compensation for well contamination; municipal water supply grants -- grant repayment.* All moneys received under s. 144.027 (16) (d) for the purpose of paying compensation under ss. 144.027 and 144.028.

SECTION 3. 144.027 (1) (intro.) of the statutes is amended to read:

144.027 (1) DEFINITIONS. (intro.) In this section and in s. 144.028:

SECTION 4. 144.027 (5) (f) and (g) of the statutes are created to read:

144.027 (5) (f) The department shall allocate money for the payment of claims according to the order in which completed claims are received. The department may conditionally approve a completed claim even if the appropriations under s. 20.370 (2) (eb) and (eg) are insufficient to pay the claim. The department shall allocate money for the payment of a claim which is conditionally approved as soon as funds become available.

(g) The department may deny a claim if, under s. 144.028, the department has issued a preliminary determination of eligibility or has issued a municipal grant award to the municipality in which the contaminated private water supply is located, and the municipality agrees to provide a municipal water supply to replace the contaminated private water supply. The department may delay the approval of a claim if the department determines that a municipal water supply may be the most feasible solution to the problem of contaminated private water supplies in the area.

SECTION 5. 144.027 (7) (intro.) of the statutes is amended to read:

144.027 (7) PURPOSE AND AMOUNT OF AWARD. (intro.) If the department finds that the claimant meets all the requirements of this section and rules promulgated under this section and that the private water supply is contaminated, the department shall issue an award. The award may not pay more than ~~80%~~ 60% of the eligible costs. ~~This percentage may be reduced under sub. (10) (d).~~ The award may not pay any portion of eligible costs in excess of \$12,000. Eligible costs include the following items only:

SECTION 6. 144.027 (10) (c) of the statutes is repealed and recreated to read:

144.027 (10) (c) The department shall pay each claim within 30 days after a completed payment request is submitted. The department shall pay eligible costs under sub. (7) based upon cost tables and rules promulgated under sub. (11) (c).

SECTION 7. 144.027 (10) (d) of the statutes is repealed.

SECTION 8. 144.027 (16) (d) of the statutes is amended to read:

144.027 (16) (d) The state is subrogated to the rights of a claimant who obtains an award under this section in an amount equal to the award. All moneys recovered under this paragraph shall be credited to the appropriation under s. 20.370 (2) (eg).

SECTION 9. 144.028 of the statutes is created to read:

144.028 Municipal water supply grants; service to replace contaminated wells. (1) APPLICATION. A municipality may apply to the department for a municipal water supply grant if all of the following conditions are satisfied:

(a) Three or more private water supplies in the area to be served by the municipality are contaminated.

(b) The municipality agrees to provide a municipal water supply to replace contaminated private water supplies.

(2) PRELIMINARY DETERMINATION OF ELIGIBILITY. (a) Within 30 days after receipt of an application under sub. (1), the department shall hold a public hearing in the area proposed to be served to allow each person having a contaminated private water supply to comment on the municipality's proposal. The department shall notify, by 1st class mail, each person whose private water supply has been determined to be contaminated of the date, time and place of the public hearing.

(b) If the department determines that the conditions under sub. (1) are satisfied and that a municipal water supply is the most feasible solution to the problem of contaminated private water supplies in that area, the department may issue a preliminary determination of eligibility. In determining feasibility, the department shall consider the risk of future contamination to private water supplies, the cost of the project in relation to the cost of replacing private wells, the speed with which the municipality can construct a municipal water supply, the projected residential and industrial need for water in the area and the auxiliary benefits of a municipal water supply, including fire protection benefits.

(c) The department may withdraw a preliminary determination of eligibility if it determines that the municipality is not proceeding expeditiously with the design and construction of a municipal water supply.

(3) MUNICIPAL WATER SUPPLY GRANTS; ELIGIBLE COSTS. The department shall establish standards and procedures for the issuance of municipal water supply

grants. A grant may not exceed 60% of the cost to provide the municipal water supply to the contaminated area, to provide tests and to provide an alternate water supply. Eligible costs to provide a municipal water supply include the municipality's direct capital costs, costs of connection to the municipal water supply and associated costs related to the abandonment of a contaminated private well. Eligible testing costs include the cost of providing for or reimbursing the cost of not more than 2 tests for each private water supply to determine if it is contaminated, using procedures and standards under s. 144.027 (6). Eligible alternate water supply costs include the cost of providing an alternate water supply for persons from the date that contamination was confirmed by the municipality to the time the municipal water supply is available.

(4) PAYMENT. The department shall allocate money for the payment of grants according to the order in which completed applications are received. The department may conditionally approve a completed application even if the appropriations under s. 20.370 (2) (eb) and (eg) are insufficient to pay the grant. The department shall allocate money for the payment of a grant which is conditionally approved as soon as funds become available.

SECTION 10. Nonstatutory provisions. The department of natural resources may establish standards and procedures under section 144.028 of the statutes, as created by this act, by promulgating emergency rules under section 227.027 of the statutes.

SECTION 11. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
144.95 (1)(d) 4	144.027 or 144.265	144.027, 144.028 or 144.265
