



## 2019 ASSEMBLY BILL 21

February 11, 2019 - Introduced by Representatives SHANKLAND, NYGREN, ANDERSON, BOWEN, BROSTOFF, CONSIDINE, CROWLEY, DOYLE, EMERSON, FIELDS, HEBL, HESSELBEIN, KOLSTE, MEYERS, MILROY, NEUBAUER, OHNSTAD, POPE, SARGENT, SPREITZER, VRUWINK, ZAMARRIPA and SUBECK, cosponsored by Senators SCHACHTNER, SMITH, ERPENBACH, LARSON, MILLER and RINGHAND. Referred to Committee on Local Government.

1     **AN ACT** *to repeal* 281.75 (9) (a); *to renumber and amend* 20.370 (6) (cr) and  
2           281.75 (9) (b); *to amend* 281.75 (4m) (a), 281.75 (5) (f) and 281.75 (7) (b); and  
3           **to create** 20.370 (6) (cc), 281.74 and 281.75 (9) (am) to (d) of the statutes;  
4           **relating to:** testing of private wells, compensation for well contamination and  
5           abandonment, granting rule-making authority, 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 program to provide grants to counties, cities, villages, towns, and American Indian tribes and bands (local units of government) for the testing of privately owned wells. The bill also makes changes to the well compensation grant program currently administered by DNR.

The bill provides that local units of government may apply for grants once in a fiscal biennium for testing privately owned wells, with an option for a second grant if adequate funding is available. A local unit of government must provide matching funds equal to the amount of the grant and must provide test results to DNR within three months of conducting testing. DNR is required to award grants equitably across the state, giving priority to regions where a significant number of private wells contain nitrate contamination above specified levels and regions where a significant number of wells contain coliform bacteria or other contaminants at a level that exceeds applicable standards for public health.

Under current law, an individual owner or renter of a contaminated private well may apply for a grant from DNR to cover a portion of the costs to treat the water,

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reconstruct the well, construct a new well, connect to a public water supply, or fill and seal the well. To be eligible for a grant, the well owner or renter’s annual family income may not exceed \$65,000. In addition, if the well owner or renter’s annual family income exceeds \$45,000, the amount of the award is reduced by 30 percent of the amount by which the annual family income exceeds \$45,000. The bill increases the family income limit to \$100,000 and increases the amount of annual family income that triggers a reduction of an award to \$65,000.

Under current law, a well that is contaminated only by nitrates is eligible for a grant only if the well is a water supply for livestock, is used at least three months in each year, and contains nitrates in excess of 40 parts per million. The bill eliminates these requirements and requires DNR to prioritize grants for wells with nitrate contamination above specified levels.

For further information see the *state and local* 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:***

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>
<b>3    20.370   Natural resources, department of</b>				
<b>4    (6)    ENVIRONMENTAL AIDS</b>				
<b>5    (cc)   Environmental aids — testing of</b>				
<b>6    privately owned wells</b>	<b>GPR</b>	<b>C</b>	1,000,000	1,000,000

7           **SECTION 2.** 20.370 (6) (cc) of the statutes is created to read:  
8           20.370 (6) (cc) *Environmental aids — testing of privately owned wells.* As a  
9           continuing appropriation, the amounts in the schedule to pay for the testing of  
10          privately owned wells under s. 281.74.

11          **SECTION 3.** 20.370 (6) (cr) of the statutes is renumbered 20.370 (6) (cb) and  
12          amended to read:

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1           20.370 (6) (cb) *Environmental aids — compensation for well contamination*  
2 *and abandonment.* As a continuing appropriation, ~~from the environmental fund,~~ the  
3 amounts in the schedule to pay compensation under s. 281.75.

4           **SECTION 4.** 281.74 of the statutes is created to read:

5           **281.74 Testing of privately owned wells. (1)** In this section, “local unit of  
6 government” means the governing body of any county or counties acting jointly, city,  
7 town, village, or a federally recognized American Indian tribe or band.

8           **(2)** The department shall administer a program to provide grants to local units  
9 of government for the testing of privately owned wells and shall provide local units  
10 of government with information about the program and eligibility requirements for  
11 receiving a grant under the program.

12           **(3)** The department may promulgate rules necessary to implement this section.  
13 Prior to promulgating rules under this subsection, the department shall consult with  
14 the department of health services regarding contaminants in well water that are  
15 harmful to public health.

16           **(4) (a)** A local unit of government may apply for funding under this section only  
17 once in a fiscal biennium.

18           **(b)** A local unit of government receiving a grant under this section shall provide  
19 matching funds equal to the amount of grant.

20           **(c)** A local unit of government conducting testing under this section shall  
21 provide test results to the department no later than 3 months following testing. The  
22 local unit of government shall provide test results in a manner that protects  
23 individual privacy. Test results collected under this section shall be jointly owned by  
24 the department and the local unit of government.

**ASSEMBLY BILL 21****SECTION 4**

1           **(5)** The department shall award grants under this section as equitably as  
2 practicable across the state and in the following order of priority:

3           (a) In regions where the department determines that a statistically significant  
4 number of private wells produce water containing nitrates in excess of 20 parts per  
5 million expressed as nitrate-nitrogen.

6           (b) In regions where the department, in conjunction with the department of  
7 health services, determines that a statistically significant number of private wells  
8 produce water containing coliform bacteria or other contaminants at a level that  
9 exceeds applicable standards for public health.

10           **(6)** Notwithstanding sub. (4) (a), if the department determines that adequate  
11 funds remain available after awarding all grants in a fiscal biennium, the  
12 department shall allow local units of government to apply for an additional grant.

13           **SECTION 5.** 281.75 (4m) (a) of the statutes is amended to read:

14           281.75 **(4m)** (a) In order to be eligible for an award under this section, the  
15 annual family income of the landowner or lessee of property on which is located a  
16 contaminated water supply or a well subject to abandonment may not exceed \$65,000  
17 \$100,000.

18           **SECTION 6.** 281.75 (5) (f) of the statutes is amended to read:

19           281.75 **(5)** (f) The department shall allocate money for the payment of claims  
20 according to the order in which completed claims are received. The department may  
21 conditionally approve a completed claim even if the appropriation under s. 20.370 (6)  
22 ~~(er)~~ **(cb)** is insufficient to pay the claim. The department shall allocate money for the  
23 payment of a claim which is conditionally approved as soon as funds become  
24 available.

25           **SECTION 7.** 281.75 (7) (b) of the statutes is amended to read:

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1           281.75 (7) (b) If the annual family income of the claimant exceeds \$45,000  
2           \$65,000, the amount of the award is the amount determined under par. (a) less 30  
3           percent of the amount by which the claimant's income exceeds ~~\$45,000~~ \$65,000.

4           **SECTION 8.** 281.75 (9) (a) of the statutes is repealed.

5           **SECTION 9.** 281.75 (9) (am) to (d) of the statutes are created to read:

6           281.75 (9) (am) Water containing nitrates in excess of 40 parts per million  
7           expressed as nitrate-nitrogen.

8           (b) Water containing nitrates in excess of 30 parts per million expressed as  
9           nitrate-nitrogen.

10          (c) Water containing nitrates in excess of 25 parts per million expressed as  
11          nitrate-nitrogen.

12          (d) Water containing nitrates in excess of 20 parts per million expressed as  
13          nitrate-nitrogen. For awards under this paragraph, the department shall  
14          emphasize the use of reverse osmosis or similar methods prior to well remediation  
15          methods.

16          **SECTION 10.** 281.75 (9) (b) of the statutes is renumbered 281.75 (9) (intro.) and  
17          amended to read:

18          281.75 (9) **CONTAMINATION STANDARD; NITRATES** (intro.) Notwithstanding the  
19          requirement of contamination under sub. (7), if ~~a private water supply meets the~~  
20          ~~criteria under par. (a) and the claim is based upon contamination by nitrates and not~~  
21          ~~by any other substance, the department may make an award only if the private water~~  
22          ~~supply produces water containing nitrates in excess of 40 parts per million expressed~~  
23          ~~as nitrate-nitrogen.~~ shall give priority to the claim. The department shall make  
24          awards under this subsection for claims of contaminated water in the following order  
25          of priority:

**ASSEMBLY BILL 21****SECTION 11****SECTION 11. Nonstatutory provisions.**

(1) The authorized FTE positions for the department of natural resources, funded from the appropriation under s. 20.370 (6) (cc), are increased by 1.0 GPR position for the purpose of creating a private well testing program administrator and liaison position within the department of natural resources.

**SECTION 12. Fiscal changes.**

(1) In the schedule under s. 20.005 (3) for the appropriation to the department of natural resources under s. 20.370 (6) (cb), the dollar amount for fiscal year 2019-20 is increased by \$1,000,000 to pay compensation for well contamination and abandonment. In the schedule under s. 20.005 (3) for the appropriation to the department of natural resources under s. 20.370 (6) (cb), the dollar amount for fiscal year 2020-21 is increased by \$1,000,000 to pay compensation for well contamination and abandonment.

**SECTION 13. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of s. 20.370 (6) (cc) and SECTIONS 1, 11 (1), and 12 (1) of this act take effect on the day after publication, or on the 2nd day after publication of the 2019 biennial budget act, whichever is later.

(END)