



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6008/1
MCP:wlj

2021 SENATE BILL 1002

February 17, 2022 - Introduced by Senators COWLES and JACQUE, cosponsored by Representatives NOVAK, TRANEL, SHANKLAND, KITCHENS, ANDRACA, BILLINGS, CABRERA, DITTRICH, EMERSON, OLDENBURG, PETRYK, PLUMER, SPREITZER, STUBBS and SUBECK. Referred to Committee on Natural Resources and Energy.

1 **AN ACT** *to create* 20.370 (6) (cs), 281.73 and 281.74 of the statutes; **relating to:**
2 grants for testing privately owned wells and providing education, providing an
3 exemption from emergency rule procedures, granting rule-making authority,
4 and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to create and administer a program to provide two types of grants: 1) grants, not to exceed \$10,000, to any county and to any city, village, or town that contains privately owned wells or water supplies to test and map privately owned wells to assess groundwater quality and determine the extent of any contamination and to study and map geologic characteristics and well construction practices to determine any correlation between water quality, geology, and well construction; and 2) grants, not to exceed \$10,000, to county health departments and county land and water conservation departments to provide education and outreach related to well testing. Applicants may apply for a grant individually or jointly with other applicants and may apply for both types of grants simultaneously. Under the bill, the recipient of a testing and mapping grant must share the results of its testing with DNR and the University of Wisconsin–Stevens Point Center for Watershed Science and Education but may not include any personally identifiable information, including specific property locations, with the submitted results.

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The bill also requires cities, villages, and towns that contain privately owned wells or water supplies to inform its residents of the importance of regular well testing.

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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

		2021-22		2022-23
20.370 Natural resources, department of				
(6) ENVIRONMENTAL AIDS				
(cs) Environmental aids — private				
well testing grant program	SEG	A	-0-	1,000,000

7 **SECTION 2.** 20.370 (6) (cs) of the statutes is created to read:
8 20.370 (6) (cs) *Environmental aids — private well testing grant program.* From
9 the environmental fund, the amounts in the schedule to provide grants for testing
10 privately owned wells under s. 281.73.

11 **SECTION 3.** 281.73 of the statutes is created to read:
12 **281.73 Private well testing grant program.** (1) The department shall
13 administer a program to provide the following grants from the appropriation under
14 s. 20.370 (6) (cs):

15 (a) Grants to any county and to any city, village, or town that contains privately
16 owned wells or water supplies for the purpose of testing and mapping privately
17 owned wells to assess groundwater quality and to determine the extent and type of
18 any contamination and to study and map geologic characteristics and well

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1 construction practices, including depth to bedrock and well age, to determine any
2 correlation between water quality, geology, and well construction. Grants provided
3 under this paragraph may not exceed \$10,000.

4 (b) Grants to county health departments and county land and water
5 conservation departments for the purpose of providing education and outreach
6 related to well testing. Grants provided under this paragraph may not exceed
7 \$10,000.

8 (2) Eligible applicants may apply for the grants under sub. (1) individually or
9 jointly with any other eligible applicant and may apply for the grants under sub. (1)
10 (a) and (b) simultaneously.

11 (3) The recipient of a grant under sub. (1) (a) shall submit the results of its
12 testing and study to the department and the University of Wisconsin–Stevens Point
13 Center for Watershed Science and Education but may not include any personally
14 identifiable information, including specific property locations, with the submitted
15 results.

16 (4) The department may promulgate rules to implement this section.

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

18 **281.74 Well testing importance.** A city, village, or town that contains
19 privately owned wells or water supplies shall inform its residents of the importance
20 of regular well testing.

21 **SECTION 5. Nonstatutory provisions.**

22 (1) 2023-25 BIENNIAL BUDGET REQUEST. In submitting information under s. 16.42
23 for purposes of the 2023-25 biennial budget bill, the department of natural resources
24 shall include a request to provide \$2,000,000 in funding for fiscal year 2023-24 and

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1 \$2,000,000 in funding for fiscal year 2024-25 for the private well testing grant
2 program under s. 281.73.

3 (2) EMERGENCY RULES. The department of natural resources may use the
4 procedure under s. 227.24 to promulgate emergency rules relating to the private well
5 testing grant program under s. 281.73 for the period before the effective date of any
6 permanent rules promulgated under s. 281.73 but not to exceed the period
7 authorized under s. 227.24 (1) (c), subject to extension under s. 227.24 (2).
8 Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), when promulgating emergency
9 rules under this subsection, the department is not required to provide evidence that
10 promulgating a rule under this subsection as an emergency rule is necessary for the
11 preservation of the public peace, health, safety, or welfare and is not required to
12 provide a finding of emergency for a rule promulgated under this subsection.

13 (END)