

# State of Wisconsin



2005 Senate Bill 646

Date of enactment: **March 6, 2006**  
Date of publication\*: **March 7, 2006**

## 2005 WISCONSIN ACT 123

AN ACT *to amend* 281.75 (11) (a) 8.; and *to create* 281.75 (2) (e), 281.75 (7) (c) 7., 281.75 (11) (ae) and 281.75 (11m) of the statutes; **relating to:** compensation for certain wells contaminated by bacteria.

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

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

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

1. Results of tests performed by a laboratory certified under s. 299.11 establish that wells in the area are contaminated by fecal bacteria.
2. Evidence demonstrates that the bacterial contamination is caused by livestock.

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

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

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

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

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

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

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

281.75 (11m) **ABANDONMENT OF CERTAIN PRIVATE WATER SUPPLIES.** If the department determines that there is an improperly abandoned private water supply located on property owned or leased by a claimant with a contaminated private water supply that is eligible under sub. (11) (ae), the department may issue an award only if the claimant properly abandons the improperly abandoned private water supply.

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].