



State of Wisconsin  
2009 - 2010 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2009 SENATE BILL 620**

April 20, 2010 – Offered by Senator KEDZIE.

1     **AN ACT** *to renumber and amend* 196.03 (3) (a); *to amend* 196.03 (3) (b) 1.; and  
2           *to create* 13.83 (5), 196.03 (3) (ag), 196.03 (3) (c) and 281.34 (11) of the statutes;  
3           **relating to:** creating a special committee of the joint legislative council on  
4           groundwater and requiring the exercise of rule-making authority.

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

5           **SECTION 1.** 13.83 (5) of the statutes is created to read:  
6           13.83 (5) SPECIAL COMMITTEE ON GROUNDWATER. (a) The joint legislative council  
7           shall, in each biennium, create a special committee on groundwater.  
8           (b) 1. The special committee shall be composed of the following:  
9           a. Five members appointed by the joint legislative council who are not  
10          legislators and who represent municipal, agricultural, environmental, business, and  
11          well-drilling interests.

1           b. One member who is a majority member and one member who is a minority  
2 member of the senate. At least one of these members shall be a member of the  
3 standing committee generally responsible for legislation relating to environmental  
4 or natural resources issues.

5           c. One member who is a majority member and one member who is a minority  
6 member of the assembly. At least one of these members shall be a member of the  
7 standing committee generally responsible for legislation relating to environmental  
8 or natural resources issues.

9           2. The special committee shall be assisted by a technical advisory committee  
10 composed of members representing the following:

- 11           a. The department of natural resources.
- 12           b. The groundwater coordinating council.
- 13           c. The geological and natural history survey.
- 14           d. The University of Wisconsin System.

15           (c) The joint legislative council shall pay the expenses incurred by the members  
16 appointed under par. (b) 1., in performing their functions on the special committee,  
17 from the appropriation under s. 20.765 (3) (e).

18           (d) The joint legislative council may direct the special committee to do any of  
19 the following:

20           1. Study, and make recommendations concerning, whether the council should  
21 submit for introduction legislation to rescind designation of a groundwater  
22 management area or groundwater attention area.

23           2. Study any issue that relates to groundwater quantity, high capacity well  
24 regulation, the impact of groundwater withdrawals on springs, or water  
25 conservation.

1 (e) The joint legislative council shall direct the special committee to do all of the  
2 following:

3 1. Study whether the council should submit for introduction legislation to  
4 designate one or more of the following:

5 a. A groundwater management area in this state where coordinated  
6 management is needed to avoid or mitigate significant adverse environmental  
7 impacts associated with excessive groundwater withdrawals.

8 b. A groundwater attention area in this state where projected water use trends  
9 demonstrate that coordinated management is likely to be needed within the  
10 following 20 years to avoid or mitigate significant adverse environmental impacts  
11 associated with excessive groundwater withdrawals.

12 2. Determine whether the springs inventory submitted by the department of  
13 natural resources under s. 281.34 (11) is complete and provide any certification  
14 required under s. 281.34 (11).

15 3. Prepare a report on any bill that is introduced in either house of the  
16 legislature that proposes to designate a groundwater management area as described  
17 in subd. 1. a. or a groundwater attention area as described in subd. 1. b. if the bill is  
18 referred to a standing committee of the house in which it is introduced. If the bill is  
19 not referred to a standing committee, the speaker of the assembly, if the bill is  
20 introduced in the assembly, or the presiding officer of the senate, if the bill is  
21 introduced in the senate, may request the special committee to prepare a report on  
22 the bill.

23 (em) If a bill that is introduced in either house of the legislature proposes to  
24 designate an area in this state as an area where coordinated management is needed,  
25 or is likely to be needed within the following 20 years, to avoid or mitigate significant

1 adverse environmental impacts associated with excessive groundwater  
2 withdrawals, a standing committee to which the bill is referred may not vote on  
3 whether to recommend the bill for passage and the bill may not be passed by the  
4 house in which it is introduced before the special committee submits a report under  
5 under par. (e) 3. or before the 30th day after the speaker of the assembly or the  
6 presiding officer of the senate requests a report under par. (e) 3., whichever is earlier.

7 (f) Before the joint legislative council may direct the special committee to study  
8 whether the council should submit for introduction legislation to designate an area  
9 as a groundwater management area or a groundwater attention area, the special  
10 committee shall study whether the 2 groundwater management areas designated  
11 under s. 281.34 (9) should continue to be designated as groundwater management  
12 areas.

13 (g) If the special committee prepares a report under par. (e) 3. with regard to  
14 a bill that proposes to designate a groundwater management area in an area with  
15 a confined aquifer, the report shall make a finding of whether any of the following  
16 applies to that area:

17 1. The groundwater potentiometric surface of the confined aquifer has been  
18 reduced 150 feet or more from the level at which the potentiometric surface would  
19 be if no groundwater had been pumped from the area.

20 2. The groundwater potentiometric surface of the confined aquifer has been  
21 reduced to within 20 feet above the top of the aquitard bounding the upper surface  
22 of the confined aquifer.

23 3. The water level in the majority of the high capacity wells, as defined in s.  
24 281.34 (1) (b), that pump water from the confined aquifer is below the bottom of the  
25 confined aquifer's bounding aquitard when the pumps are in operation.

1           4. The groundwater potentiometric surface of the confined aquifer is declining  
2 at a rate exceeding 5 feet per year averaged over a 10–year period.

3           (h) If the groundwater committee prepares a report under par. (e) 3. with regard  
4 to a bill that proposes to designate a groundwater management area in an area with  
5 an unconfined aquifer, the report shall make a finding of whether any of the following  
6 applies to that area:

7           1. The baseflow of the streams in the area has declined more than 10 percent  
8 from what the baseflow of the streams would be if no groundwater had been pumped  
9 from the area and that decline has resulted in significant adverse environmental  
10 impact.

11           2. The water level of the unconfined aquifer is declining at a rate exceeding 5  
12 feet per year averaged over a 10–year period.

13           3. The withdrawal of groundwater in the area has caused a decline in the water  
14 table of one foot or more beneath, or adjacent to, lakes or wetlands in the area, as  
15 determined by use of groundwater flow modeling.

16           (i) The chief clerk of the appropriate house of the legislature shall print a report  
17 prepared by the special committee under par. (e) 3. as an appendix to any bill that  
18 proposes to designate a groundwater management area or groundwater attention  
19 area and attach the report to the bill.

20           (j) The special committee may hold hearings as needed to elicit information for  
21 making a report under par. (e) 3. All actions of the committee require the approval  
22 of a majority of all of its members.

23           (k) If the special committee recommends that the joint legislative council  
24 submit for introduction legislation to designate a groundwater management area,

1 the special committee shall include all of the following in the recommended  
2 legislation:

3 1. A delineation of the area proposed to be designated as a groundwater  
4 management area.

5 2. A target withdrawal quantity for the area proposed to be designated as a  
6 groundwater management area.

7 3. A requirement that the county or counties in which the groundwater  
8 management area is located must develop a groundwater management plan for the  
9 groundwater management area and provide opportunities for public participation in  
10 the development of the plan.

11 4. A date by which the county or counties in which the groundwater  
12 management area is located must develop a plan under subd. 3.

13 5. A requirement that the plan under subd. 3. contain all of the following:

14 a. Measurable goals.

15 b. Requirements for the county or counties to report to the department of  
16 natural resources including requirements to report progress toward achieving a  
17 target withdrawal quantity.

18 c. Opportunities for public participation in the implementation of the plan.

19 d. Water conservation measures.

20 6. If the special committee recommends that the joint legislative council submit  
21 for introduction legislation to designate a groundwater management area that is  
22 contained within more than one county, the special committee shall include all of the  
23 following in the recommended legislation:

24 a. A requirement that the counties negotiate an agreement to provide for the  
25 appointment of a groundwater management council for the groundwater

1 management area, including the size and method of appointment of members of the  
2 groundwater management council, selection of a chair or cochairs of the council, and  
3 a requirement that a groundwater management council be appointed as provided in  
4 the agreement.

5 b. A requirement that the groundwater management council for the  
6 groundwater management area develop the groundwater management plan for the  
7 groundwater management area.

8 c. A provision authorizing the groundwater management council to contract  
9 with another entity, including a regional planning commission, for assistance in  
10 preparing a groundwater management plan.

11 7. A requirement that the groundwater management plan, if prepared by a  
12 groundwater management council, be submitted to the county boards of the counties  
13 in which the groundwater management area is located for approval or modification.

14 8. A requirement that if a groundwater management plan that is prepared by  
15 a groundwater management council is approved by the county boards in which the  
16 groundwater management area is located, the chief executives must submit the plan  
17 to the department of natural resources for review.

18 9. A requirement that if a groundwater management plan is prepared for a  
19 groundwater management area located in one county, the chief executive for that  
20 county must submit the plan to the department of natural resources for review.

21 10. A requirement that the department of natural resources review a plan  
22 submitted as required under subd. 8. or 9. and approve, disapprove, or modify the  
23 plan.

24 11. A requirement that if the department of natural resources does not approve  
25 a groundwater management plan submitted as required under subd. 8. or 9., the

1 department provide reasons for its disapproval and make recommendations to the  
2 county or counties to consider as revisions to the plan to ensure that the groundwater  
3 management area will no longer require coordinated management to avoid or  
4 mitigate significant adverse environmental impacts associated with excessive  
5 groundwater withdrawals.

6 12. A requirement that the department of natural resources prepare a model  
7 groundwater management plan for the designated groundwater management area  
8 by a specified date.

9 13. A provision that authorizes a county to adopt the model plan prepared by  
10 the department of natural resources under subd. 12. by resolution of the county  
11 board.

12 14. A requirement that a person operating a public water supply system that  
13 serves a population of 10,000 or more and that withdraws water from the  
14 groundwater management area must have an approved plan under s. 281.348 no  
15 later than the first day of the 49th month beginning after the date on which the  
16 groundwater management area is designated.

17 15. Provisions for ensuring that a person operating a public water supply  
18 system that withdraws water from the groundwater management area has an  
19 approved plan under s. 281.348 that is not, or revises or modifies an existing plan  
20 under s. 281.348 so that it is not, significantly inconsistent with the groundwater  
21 management plan, including a requirement that if the department of natural  
22 resources notifies the person operating the public water supply system that a plan  
23 under s. 281.348 is disapproved, the department of natural resources must include  
24 recommendations for revising that plan.

1 (L) If the special committee recommends that the joint legislative council  
2 submit for introduction legislation to designate a groundwater attention area, the  
3 special committee shall include all of the following in the recommended legislation:

4 1. A delineation of the area proposed to be designated as a groundwater  
5 attention area.

6 2. A target withdrawal quantity for the area proposed to be designated as a  
7 groundwater attention area.

8 3. A provision that authorizes a county or counties in which the groundwater  
9 attention area is located to develop a strategy plan for the groundwater attention  
10 area.

11 4. A requirement that if a county or counties in which the groundwater  
12 attention area is located develop a strategy plan as authorized under subd. 3., the  
13 county or counties must provide opportunities for public participation in the  
14 development of the strategy plan.

15 5. A requirement that if a county or counties develop a strategy plan as  
16 authorized under subd. 3., the strategy plan must include all of the following:

17 a. Methods, programs, and initiatives to address potential water supply  
18 problems in the groundwater attention area.

19 b. Goals to ensure that the groundwater attention area will not require  
20 coordinated management to avoid or mitigate significant adverse environmental  
21 impacts associated with excessive groundwater withdrawals within the following 20  
22 years.

23 6. If the groundwater attention area is located in more than one county, a  
24 provision that authorizes the counties to negotiate an agreement that provides for

1 the appointment of a groundwater task force for the groundwater attention area and  
2 that specifies the size and method of appointment of members of the task force.

3 7. A provision that specifies that if the counties in which a groundwater  
4 attention area is located appoint a groundwater task force, the task force may  
5 develop a strategy plan for the groundwater attention area.

6 8. A provision that authorizes a groundwater task force to contract with  
7 another entity, including a regional planning commission, for assistance in  
8 preparing a strategy plan.

9 9. A requirement that if a groundwater task force for a groundwater attention  
10 area that is located in more than one county develops a strategy plan, the task force  
11 must submit the plan to each county board in the county in which the groundwater  
12 attention area is located and to the department of natural resources.

13 10. A requirement that if a strategy plan is submitted to the department of  
14 natural resources as provided under subd. 9., the department may neither approve  
15 nor disapprove the plan and must use the plan as a guide for water management in  
16 the area if the area is subsequently designated as a groundwater management area.

17 **SECTION 2.** 196.03 (3) (a) of the statutes is renumbered 196.03 (3) (ar) and  
18 amended to read:

19 196.03 (3) (ar) In the case of a public water utility ~~furnishing water~~, the  
20 commission shall include, in the determination of water rates, the cost of fluoridating  
21 the water in the area served by the public water utility ~~furnishing water~~ if the  
22 governing body of the city, village or town which owns or is served by the public water  
23 utility ~~furnishing water~~ authorizes the fluoridation of water by the public water  
24 utility ~~furnishing water~~.

25 **SECTION 3.** 196.03 (3) (ag) of the statutes is created to read:

1           196.03 (3) (ag) In this subsection, “water utility” means a public utility that  
2 furnishes water.

3           **SECTION 4.** 196.03 (3) (b) 1. of the statutes is amended to read:

4           196.03 (3) (b) 1. A public water utility shall include the charges in the water  
5 utility bill of each customer of the public water utility in the city, village, or town.

6           **SECTION 5.** 196.03 (3) (c) of the statutes is created to read:

7           196.03 (3) (c) The commission shall promulgate rules for encouraging water  
8 conservation by all water utilities and their customers. The rules may encourage  
9 water conservation through rates, incentives, rebates, or other methods and shall  
10 establish deadlines for achieving water conservation goals.

11           **SECTION 6.** 281.34 (11) of the statutes is created to read:

12           281.34 (11) SPRINGS INVENTORY. (a) The department shall conduct an inventory  
13 of large springs in this state. The department shall conduct the inventory with the  
14 assistance of the legislative council technical advisory committee on groundwater  
15 under s. 13.83 (5) (b) 2. The department shall complete the inventory no later than  
16 the first day of the 61st month beginning after the effective date of this paragraph  
17 .... [LRB inserts date].

18           (b) Upon completion of the inventory under par. (a), the department shall  
19 request that the legislative council special committee on groundwater certify that  
20 the inventory is complete as provided under s. 13.83 (5) (e) 2. If the legislative council  
21 special committee on groundwater certifies that the inventory is complete, the  
22 department shall submit a report to the legislature, under s. 13.172 (2), and to the  
23 legislative reference bureau stating that the inventory is complete.

24           **SECTION 7. Nonstatutory provisions.**

