

2019 DRAFTING REQUEST

Bill

For: **Katrina Shankland (608) 267-9649** Drafter: **zwyatt**
 By: **Emily** Secondary Drafters:
 Date: **1/3/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Shankland@legis.wisconsin.gov**
 Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**
mary.pfotenhauer@legis.wisconsin.gov
elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Private well testing and well compensation grants

Instructions:

Redraft 2017 AB 686 (17-3991/1), with attached changes.

Per ZDW

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 1/8/2019	aernstr 1/10/2019			
/P1	zwyatt 1/10/2019	aernstr 1/11/2019	mbarman 1/10/2019		State S&L
/P2			dwalker 1/11/2019		State S&L
/1			dwalker 1/14/2019	dwalker 1/14/2019	State S&L

FE Sent For:

<END>

At
Intro.

Wyatt, Zachary

From: Rep.Shankland
Sent: Friday, December 21, 2018 10:55 AM
To: Wyatt, Zachary
Subject: Redraft of 2017 AB 686
Attachments: 17-3991_1.pdf

Good morning!

I'd like to request a redraft of Rep. Shankland's 2017 AB 686 (attached) for the upcoming session, with the modifications outlined below. Feel free to give me a call with any questions you may have, or things that you need clarified further.

Thanks so much!

Emily

Redraft 2017 AB 686 to include the following:

- Create a new private well testing program. Provide \$1 million in GPR for the biennium. This should be a continuing appropriation of \$1 million per biennium.
- Specify the private well testing program is to be administered by the DNR. Authorize the DNR to write administrative rules related to the program and require them to consult with DHS regarding harmful contaminants in well water to the public health. (Appendix E)
- Include DNR position authority for a full-time Private Well Testing Program administrator and program liaison and ensure the position authority is continuing. Allow the position up to \$100,000 GPR per year.
- Specify that political subdivisions, including towns, villages, cities, counties, and tribes, in addition to counties acting jointly, can apply for the funding annually.
- Require that a participating political subdivision must share the data with the DNR within three months after the testing. Specify that steps can be taken to protect individual privacy (for example, by sharing it on the section level instead of the individual level). Specify that the DNR jointly owns the data with the political subdivision.
- Require matching grants from the subdivisions. Allow the subdivision to apply a second time in the biennium, but they can only qualify a second time in the biennium if there are unexpended funds remaining and they can comply with all other grant requirements.
- Specify that the DNR should provide information to all participating subdivisions about the well compensation grant program and the eligibility requirements
- Require that the funds must be distributed as equitably as possible across the state based on the following criteria:
 - First priority goes to regions where a statistically significant number of wells have tested for nitrates above 20 mg/L as determined by DNR
 - Priority should also be given to regions where a statistically significant number of wells have tested above health standards for coliform bacteria or other harmful contaminants as determined by DNR and DHS (Appendix E)

- ✓ Redraft the well compensation grant program to include the income limits and eligibility requirements. Appropriate \$1 million GPR per biennium as a continuing appropriation.

- ✓ Specify the removal of the livestock requirement to qualify for grants for nitrate contamination
- ✓ Specify the removal of the 40 mg/L nitrate contamination requirement
- ✓ Applicants with nitrate contamination above 40 mg/L will take first priority, even if all of the funds are expended for the biennium on wells above 40 mg/L
- ✓ Applicants with nitrate contamination above 30 mg/L will take second most priority, even if all funds are expended for the biennium on wells above 30 mg/L
- ✓ Applicants with nitrate contamination above 25 mg/L will take third highest priority, even if all funds are expended for the biennium on wells above 25 mg/L
- ✓ Applicants with nitrate contamination above 20 mg/L will take last priority, and there should be an emphasis on reverse osmosis or other solutions prior to well remediation (like well construction, replacement, etc.

Emily M. Conklin
Office of Rep. Katrina Shankland
Assembly District 71
Emily.Conklin@legis.wisconsin.gov
608-267-9649



INSERT

2017 ASSEMBLY BILL 686

November 29, 2017 - Introduced by Representatives SHANKLAND, BERCEAU, CROWLEY, DOYLE, FIELDS, GENRICH, HEBL, HESSELBEIN, KOLSTE, KRUG, NOVAK, OHNSTAD, POPE, SARGENT, SPREITZER, SUBECK and ZEPNICK, cosponsored by Senators JOHNSON, L. TAYLOR, TESTIN and VINEHOUT. Referred to Committee on Environment and Forestry.

su✓

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), 281.75 (7) (a) and 281.75
3 (7) (b); and **to create** 20.370 (6) (cc) and 281.74 of the statutes; **relating to:**
4 testing of private wells, compensation for well contamination and
5 abandonment, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

ins A

This bill requires the Department of Natural Resources to administer a program to provide grants to cities, villages, towns, and counties for the testing of privately owned wells. The bill also makes changes to the well compensation grant program currently administered by DNR.

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, 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. A grant awarded under the program may not exceed 75 percent of a project's eligible costs and may not cover any part of a project's eligible costs that exceeds \$12,000. 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 grant award limit to 75 percent of no more than \$16,000 of the project's eligible costs. The

ASSEMBLY BILL 686

bill also 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 the requirement that the well be used for livestock.

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:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	2019-20	2020-21
	(D)	(R)
(2017-18)	(2018-19)	

20.370 Natural resources, department of

(6) ENVIRONMENTAL AIDS ✓

(cc) Environmental aids — testing of privately owned wells ✓

GPR C

\$1,000,000	\$1,000,000
(100,000)	(100,000)

SECTION 2. 20.370 (6) (cc) of the statutes is created to read:

20.370 (6) (cc) *Environmental aids — testing of privately owned wells.* As a continuing appropriation, the amounts in the schedule to pay for the testing of privately owned wells under s. 281.74.

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

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

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

ASSEMBLY BILL 686

(WS) 3-1

1

~~281.74 Testing of privately owned wells. (1) The department shall administer a program to provide grants to cities, villages, towns, and counties for the testing of privately owned wells.~~

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4

~~(2) A city, village, town, or county receiving a grant under sub. (1) shall notify residents of the availability of funds to pay for testing of privately owned wells.~~

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~~(3) The department shall promulgate rules establishing application procedures, eligible costs, and maximum grant awards under this section.~~

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

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

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

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281.75 (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 appropriation under s. 20.370 (6) ~~(er)~~ (cb) is 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.

20

SECTION 7. 281.75 (7) (a) of the statutes is amended to read:

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~~281.75 (7) (a) 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 or that the well is a well subject to abandonment, the department shall issue an award. The award may not pay more~~

ASSEMBLY BILL 686

SECTION 7

than 75 percent of the eligible costs. The award may not pay any portion of eligible costs in excess of ~~\$12,000~~ \$16,000.

SECTION 8. 281.75 (7) (b) of the statutes is amended to read:

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

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

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

281.75 (9) CONTAMINATION STANDARD; NITRATES. Notwithstanding the requirement of contamination under sub. (7), if a private water supply meets the criteria under par. (a) and is used at least 3 months each year and the claim is based upon contamination by nitrates and not by any other substance, the department may make an award only if the private water supply produces water containing nitrates in excess of 40 parts per million expressed as nitrate-nitrogen.

SECTION 11. Fiscal changes.

(1) In the schedule under ~~section 20.005 (3) of the statutes~~ ^{2 S.} for the appropriation to the department of natural resources under ~~section 20.370 (6) (cb) of the statutes~~ ^{2 S.}, the dollar amount for fiscal year ~~2017-18~~ ²⁰¹⁹⁻²⁰ is increased by ~~(\$800,000)~~ ^{\$1,000,000} to pay compensation for well contamination and abandonment. In the schedule under ~~section 20.005 (3) of the statutes~~ ^{2 S.} for the appropriation to the department of natural resources under ~~section 20.370 (6) (cb) of the statutes~~ ^{2 S.}, the dollar amount for fiscal year ~~2018-19~~ ²⁰²⁰⁻²¹ is increased by ~~(\$800,000)~~ ^{\$1,000,000} to pay compensation for well contamination and abandonment.

Insert 7
4-8 8

ASSEMBLY BILL 686

1 SECTION 12. Effective dates. This act takes effect on the day after publication,

2 except as follows:

3 (1) Section 11 (1) of this act takes effect on the day after publication, or on the
4 2nd day after publication of the 2017 biennial budget act, whichever is later.

5 (END)

The treatment of 20.370 (6) (cc) and Sections 1,
10 (1) and
11

Handwritten notes: (37(1)), take, 2019, s. a. 12

1 *sa*
 INS A

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 (political subdivisions) 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 political subdivisions 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 political subdivision must provide matching funds equal to the amount of the grant and must provide test results to DNR within *three* 3 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, 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. ✓

INS 3-1

2 **281.74 Testing of privately owned wells.** (1) In this section, "political
3 subdivision" means the governing body of any county or counties acting jointly, city,
4 town, village, or a federally recognized American Indian tribe or band.

5 (2) The department shall administer a program to provide grants to political
6 subdivisions for the testing of privately owned wells and shall provide political
7 subdivisions with information about the program and eligibility requirements for
8 receiving a grant under the program.

1 (3) The department may promulgate rules necessary to implement this section. ✓
2 Prior to promulgating rules under this subsection, ✓ the department shall consult with
3 the department of health services regarding contaminants in well water that are
4 harmful to public health.

5 (4) (a) A political subdivision may apply for funding under this section ✓ only
6 once in a fiscal biennium.

7 (b) A political subdivision receiving a grant under this section ✓ shall provide
8 matching funds equal to the amount of grant.

9 (c) A political subdivision conducting testing under this section ✓ shall provide
10 test results to the department no later than 3 months following testing. The political
11 subdivision may provide test results in a manner that protects individual privacy.
12 Test results collected under this section ✓ shall be jointly owned by the department and
13 the political subdivision.

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

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

19 (b) In regions where the department, in conjunction with the department of
20 health services, determines that a statistically significant number of wells produce
21 water containing coliform bacteria or other contaminants at a level that exceeds
22 applicable standards for public health. ^{private}

23 (6) Notwithstanding sub. (4) (a), ✓ if the department determines that adequate
24 funds remain available after awarding all grants in a fiscal biennium, the
25 department shall allow political subdivisions to apply for an additional grant.

1 **INS 4-8**

2 **SECTION 1.** 281.75 (9) (b) of the statutes is renumbered 281.75 (9) (intro.) and

3 amended to read: ^{CS} ~~CONTAMINATION STANDARD; NITRATES.~~

4 281.75 (9) (intro.) Notwithstanding the requirement of contamination under
5 sub. (7), if a private water supply meets the criteria under par. (a) and the claim is
6 based upon contamination by nitrates and not by any other substance, the
7 department may make an award only if the private water supply produces water
8 containing nitrates in excess of 40 parts per million expressed as nitrate-nitrogen.
9 shall give priority to the claim. The department shall make awards under this
10 subsection for claims of contaminated water in the following order of priority:

11 **SECTION 2.** 281.75 (9) (a) to (d) of the statutes are created to read:

12 281.75 (9) (a) ^{cam} Water containing nitrates in excess of 40 parts per million
13 expressed as nitrate-nitrogen.

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

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

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

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16; 2005 a. 123, 335; 2007 a. 20; 2009 a. 28; 2011 a. 7, 10, 32; 2013 a. 1; 2017 a. 69.

22 **SECTION 3. Nonstatutory provisions.**

23 (1) The authorized FTE positions for the department of natural resources,
24 funded from the appropriation under s. 20.370 (6) (cc), are increased by 1.0 GPR

-
- 1 position for the purpose of creating a private well testing program administrator and
 - 2 liaison position within the department of natural resources.

Wyatt, Zachary

From: Wyatt, Zachary
Sent: Thursday, January 10, 2019 4:24 PM
To: Rep.Shankland
Subject: RE: Draft review: LRB -1197/P1

Will do.

I am also going to change "political subdivision" to "local unit of government" throughout the draft, as Indian tribes and bands are technically not political subdivisions and prefer not to be referred to as such. That was my oversight in the original draft.

Zack

From: Rep.Shankland <Rep.Shankland@legis.wisconsin.gov>
Sent: Thursday, January 10, 2019 4:09 PM
To: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -1197/P1

Hi Zach,

One edit: The political subdivision ~~may~~ shall provide test results in a manner that protects individual privacy

If we can get that swapped and the draft back tomorrow, we'd really appreciate it!

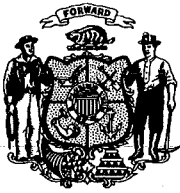
Thank you!

Emily

Emily M. Conklin
Office of Rep. Katrina Shankland
Assembly District 71
Emily.Conklin@legis.wisconsin.gov
608-267-9649

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Thursday, January 10, 2019 10:48 AM
To: Rep.Shankland <Rep.Shankland@legis.wisconsin.gov>
Subject: Draft review: LRB -1197/P1

Following is the PDF version of draft LRB -1197/P1.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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.

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 (political subdivisions) 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 political subdivisions *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 political subdivision *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,

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.

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:

2019-20 2020-21

3 **20.370 Natural resources, department of**

4 (6) ENVIRONMENTAL AIDS

5 (cc) Environmental aids — testing of

6 privately owned wells GPR C 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:

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, political

6 subdivision² 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 political

9 subdivisions² for the testing of privately owned wells and shall provide political
10 subdivisions² 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 political subdivision² may apply for funding under this section only
17 once in a fiscal biennium.

18 (b) A political subdivision² receiving a grant under this section shall provide
19 matching funds equal to the amount of grant.

20 (c) A political subdivision² conducting testing under this section shall provide
21 test results to the department no later than 3 months following testing. The political

22 subdivision² shall may provide test results in a manner that protects individual privacy.

23 Test results collected under this section shall be jointly owned by the department and
24 the political subdivision².

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 political subdivisions ^{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:

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:

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)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1197/P2

ZDW:ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NO
CHANGES

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.

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,

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)