

2019 DRAFTING REQUEST

Assembly Amendment (AA-AB600)

For: **John Nygren (608) 266-2343**

Drafter: **mpfotenh**

By: **Nathan**

Secondary Drafters:

Date: **2/20/2020**

May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Nygren@legis.wisconsin.gov**
 Carbon copy (CC) to: **mary.pfotenhauer@legis.wisconsin.gov**
Nathan.Schwanz@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Various additions from AB842 and AB843

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 2/20/2020	aernstr 2/20/2020			
/P1	mpfotenh 2/20/2020		jmurphy 2/20/2020		
/P2	mpfotenh 2/20/2020	wjackson 2/20/2020	mbarman 2/20/2020		
/P3			mbarman 2/20/2020		
/P4	mpfotenh	wjackson	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/20/2020	2/20/2020	2/20/2020		
/P5	mpfotenh 2/20/2020	wjackson 2/20/2020	mbarman 2/20/2020		
/1			mbarman 2/20/2020	mbarman 2/20/2020	

FE Sent For:

<END>

Pfotenhauer, Mary

From: Schwanz, Nathan
Sent: Thursday, February 20, 2020 9:16 AM
To: Pfotenhauer, Mary
Subject: Amendment

Hi Mary,
Bit of a change on a floor amendment (thanks for your flexibility!).

Can you incorporate the following into an amendment to AB856:

From AB842:
Sections 1, 2, 3, 4, 5, 7, 10

From AB843:
Sections 4, 12, and subsections 1, 2, 5, and 6 from section 15. Please incorporate any amendments from AA1 if these sections are impacted by that amendment.

This is a rush, please. When you have a draft can you please email it to me as well.

Thank you!

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1373/2
MCP
ahe
am

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 856

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 6: after "program" insert "PFAS standards and grant programs,
3 extending the time limit for emergency rule procedures, providing an exemption
4 from emergency rule procedures, and making an appropriation".

5 2. Page 4, line 1: before that line insert:
6

7 **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

8 **20.285 University of Wisconsin System**

9 (1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC
10 SERVICE

11 (sr) PFAS disposal research grant SEG C 250,000 -0-

1 **20.370 Natural resources, department of**

2 (4) ENVIRONMENTAL MANAGEMENT

3 (as) ✓ PFAS — drinking water sam-
4 pling

SEG C 1,000,000 -0-

5 (ax) ✓ PFAS — sampling

SEG B 87,500 87,500

6 (ay) ✓ PFAS — investigation and
7 assistance

SEG C 120,000 -0-

8 (6) ✓ ENVIRONMENTAL AIDS

9 (es) Environmental aids — PFAS

10 municipal grant program SEG B 2,500,000 2,500,000

11 SECTION 2.^{1e} 20.285 (1) (sr) of the statutes is created to read:

12 20.285 (1) (sr) *PFAS disposal research grant*. From the environmental fund,
13 as a continuing appropriation, the amounts in the schedule to provide the grant
14 under s. 36.50.

15 SECTION 3.^{1g} 20.370 (4) (as) of the statutes is created to read:

16 20.370 (4) (as) *PFAS — drinking water sampling*. From the environmental
17 fund, as a continuing appropriation, the amounts in the schedule for testing water
18 samples for the presence of perfluoroalkyl or polyfluoroalkyl substances in
19 noncommunity water systems that may be in proximity to perfluoroalkyl or
20 polyfluoroalkyl substances contamination and in municipal public water supply
21 systems, as defined by the department by rule.

22 SECTION 4.¹ⁱ 20.370 (4) (ax) of the statutes is created to read:

1 20.370 (4) (ax) *PFAS — sampling*. Biennially, from the environmental fund,
 2 the amounts in the schedule for sampling and testing the environment, wildlife,
 3 facilities, and other sites for perfluoroalkyl and polyfluoroalkyl substances.

4 ~~5~~ ^{ij} SECTION 5. 20.370 (4) (ay) of the statutes is created to read:

5 20.370 (4) (ay) *PFAS — investigation and assistance*. From the environmental
 6 fund, as a continuing appropriation, the amounts in the schedule for investigating
 7 emerging contaminants that are perfluoroalkyl or polyfluoroalkyl substances and
 8 providing temporary potable water or treatment systems when no responsible party
 9 for contamination is available.

10 ~~6~~ ^{lk} SECTION 6. 20.370 (6) (es) of the statutes is created to read:

11 20.370 (6) (es) *Environmental aids — PFAS municipal grant program*.
 12 Biennially, from the environmental fund, the amounts in the schedule for the PFAS
 13 municipal grant program under s. 292.66.

14 ~~7~~ ^{mn ad} SECTION 7. 36.50 of the statutes is created to read:

15 **36.50 PFAS disposal research grant.** The board shall provide a grant to a
 16 campus designated by the board to conduct research into technologies for destroying
 17 perfluoroalkyl and polyfluoroalkyl substances.

18 3. Page 11, line 14: after that line insert:

19 ~~8~~ ^{20 21 22} SECTION 8. 292.66 of the statutes is created to read:

20 **292.66 PFAS municipal grant program. (1) DEFINITIONS.** In this section:

21 (a) "Municipality" means a city, town, village, county, county utility district,
 22 town sanitary district, public inland lake protection and rehabilitation district,
 23 sewerage district, or metropolitan sewage district.

24 (b) "PFAS" means a perfluoroalkyl or polyfluoroalkyl substance.

Ins after page 2, line 2 insert

1 (2) GRANTS. (a) The department shall administer a program to provide grants
2 to municipalities for the purpose of conducting any of the eligible activities under
3 sub. (3).

4 (b) The department may provide a grant to a municipality only if the
5 municipality proposes to conduct an eligible activity under sub. (3) in response to any
6 of the following::

7 1. The municipality testing or training with a Class B fire fighting foam or
8 using a Class B fire fighting foam as part of an emergency fire fighting or fire
9 prevention operation, if the testing, training, or use occurred in accordance with
10 state and federal law. In this subdivision, "Class B fire fighting foam" means a foam
11 designed for use on a flammable liquid fire, and may include a dual action Class A
12 and B foam.

13 2. The municipality applying biosolids to land, if the land application was done
14 in accordance with a pollution discharge elimination system permit issued under ch.
15 283.

16 3. Any other municipal operations for which the municipality wishes to sample
17 for PFAS, if the operations were done in accordance with state and federal law and,
18 if applicable, with a pollution discharge elimination system permit issued under ch.
19 283.

20 4. The discharge of PFAS or the presence of environmental pollution caused by
21 PFAS, if the discharge or pollution is suspected to have impacted or is known to be
22 impacting a municipal or private water supply and if the person that caused the
23 discharge or pollution is unknown or is unwilling or unable to take the necessary
24 response actions.

1 **(3) ELIGIBLE ACTIVITIES.** The following activities are eligible for an award of a
2 grant under sub. (2):

3 (a) Investigating potential PFAS impacts to the air, land, or water at a site or
4 facility for the purpose of reducing or eliminating environmental contamination.

5 (b) Treating or disposing of PFAS-containing fire fighting foam containers from
6 a municipal site or facility.

7 (c) Sampling a private water supply within 3 miles of a site or facility known
8 to have caused the discharge of PFAS or environmental pollution from PFAS.

9 (d) Providing a temporary emergency water supply, a water treatment system,
10 or bulk water to replace water contaminated with PFAS.

11 (e) Remediating a PFAS discharge or PFAS environmental pollution, including
12 by treating or disposing of contaminated groundwater, sediment, biosolids, soil, and
13 other affected media.

14 **(4) MATCHING FUNDS.** The department may not provide a grant under sub. (2)
15 unless the municipality contributes matching funds of or in-kind services equal in
16 value to at least 20 percent of the amount of the grant.

17 **(5) RULES.** The department shall promulgate rules to administer the program
18 under this section, including criteria that limit the amount of awards provided.

19 **SECTION 9. Nonstatutory provisions.**

20 **(1) TESTING LABORATORIES; EMERGENCY RULES.**

21 (a) The department of natural resources shall use the procedure under s. 227.24
22 to promulgate, no later than the first day of the 7th month beginning after the
23 effective date of this paragraph, emergency rules establishing criteria for certifying
24 laboratories to test for any perfluoroalkyl or polyfluoroalkyl substances, including
25 the standards and methods for such testing, and shall certify laboratories that meet

1 these criteria. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules
2 promulgated under this paragraph remain in effect until 3 years after the effective
3 date of this paragraph or the date on which permanent rules take effect, whichever
4 is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural
5 resources is not required to provide evidence that promulgating a rule under this
6 paragraph as an emergency rule is necessary for the preservation of public peace,
7 health, safety, or welfare and is not required to provide a finding of emergency for a
8 rule promulgated under this paragraph.

9 (b) Before emergency rules are promulgated under par. (a), the department of
10 natural resources may require testing for a perfluoroalkyl or polyfluoroalkyl
11 substance to be done according to any nationally recognized procedures.

12 (c) Emergency rules promulgated under par. (a) for drinking water shall be
13 based on federal environmental protection agency protocols, if any, for testing for
14 perfluoroalkyl and polyfluoroalkyl substances. In promulgating emergency rules
15 under par. (a) for nondrinking water, the department of natural resources shall take
16 into consideration the latest version of the federal department of defense's Quality
17 Systems Manual for Environmental Laboratories.

18 (2) PFAS MUNICIPAL GRANT PROGRAM; EMERGENCY RULES. The department of
19 natural resources shall use the procedure under s. 227.24 to promulgate, no later
20 than the first day of the 7th month beginning after the effective date of this
21 subsection, emergency rules to create and administer the program under s. 292.66.
22 Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this
23 subsection remain in effect until 3 years after the effective date of this subsection or
24 the date on which permanent rules take effect, whichever is sooner.
25 Notwithstanding s. 227.24 (1) (a) and (3), the department of natural resources is not

1 required to provide evidence that promulgating a rule under this subsection as an
2 emergency rule is necessary for the preservation of public peace, health, safety, or
3 welfare and is not required to provide a finding of emergency for a rule promulgated
4 under this subsection.

5 (3) POSITION AUTHORIZATIONS; NATURAL RESOURCES. The authorized FTE
6 positions for the department of natural resources are increased by 9.0 SEG positions,
7 to be funded from the appropriation under s. 20.370 (4) (mq), for the purpose of
8 administering the provisions of this act. No more than \$191,700 in fiscal year
9 2019-20 and no more than \$766,200 in fiscal year 2020-21 may be expended for this
10 purpose. The positions shall be placed in the department's environmental
11 management division as follows: 1.0 program and policy manager in the office of
12 emerging contaminants; 1.0 natural resources administrative policy coordinator; 1.0
13 advanced water supply specialist in the drinking and groundwater program; 1.0
14 emerging contaminants coordinator in the remediation and redevelopment program;
15 2.0 advanced hydrogeologists in the remediation and redevelopment program; 1.0
16 advanced hydrogeologists in the waste and materials management program; 1.0
17 advanced wastewater specialist in the water quality program; and 1.0 advanced
18 environmental toxicologist in the great waters program.

19 **SECTION 10. Fiscal change.**

20 (1) POSITION AUTHORIZATIONS; HEALTH SERVICES. In the schedule under s. 20.005
21 (3) for the appropriation to the department of health services under s. 20.435 (1) (a),
22 the dollar amount for fiscal year 2019-20 is increased by \$17,500 to increase the
23 authorized FTE project positions for the department by 1.0 GPR advanced
24 toxicologist position and by \$20,500 to increase the authorized FTE project positions
25 for the department by 1.0 GPR research scientist position for the purpose of

1 recommending enforcement standards for perfluoroalkyl and polyfluoroalkyl
2 substances under s. 160.07. In the schedule under s. 20.005 (3) for the appropriation
3 to the department of health services under s. 20.435 (1) (a), the dollar amount for
4 fiscal year 2020-21 is increased by \$70,000 to increase the authorized FTE project
5 positions for the department by 1.0 GPR advanced toxicologist position and by
6 \$81,900 to increase the authorized FTE project positions for the department by 1.0
7 GPR research scientist position for the purpose of recommending enforcement
8 standards for perfluoroalkyl and polyfluoroalkyl substances under s. 160.07.”.

9

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1373/P1
MCP:ah&amn
TWLj

ASAP (not for floor)

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 600**

funding for PFAS
research and investigations

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after "districts" insert "PFAS ^{laboratory} standards and grant programs,
3 extending the time limit for emergency rule procedures, providing an exemption
4 from emergency rule procedures, ^{SET} granting rule-making authority, and making an
5 appropriation".

6 **2.** Page 1, line 3: before that line insert:

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

2019-20 2020-21

1 **20.285 University of Wisconsin System**

2 (1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC
3 SERVICE

Freshwater collaborative - PFAS
2,100,000

4 (sr) PFAS disposal research grant SEG C 250,000 -0-

5 **20.370 Natural resources, department of**

6 (4) ENVIRONMENTAL MANAGEMENT

7 (as) PFAS — drinking water sam-

8 pling *and investigations* SEG C 1,000,000 -0-

9 (ax) PFAS — sampling SEG B 87,500 87,500

10 (ay) PFAS — investigation and
11 assistance SEG C 120,000 -0-

12 (6) ENVIRONMENTAL AIDS

13 (es) Environmental aids — PFAS
14 municipal grant program SEG B 2,500,000 2,500,000

15 **SECTION 1e.** 20.285 (1) (sr) of the statutes is created to read:

16 20.285 (1) (sr) PFAS disposal research grant *Freshwater collaborative - PFAS* From the environmental fund,

17 as a continuing appropriation, the amounts in the schedule to provide the grant
18 *for PFAS-related activities, the freshwater collaborative under*
18 under s. 36.50 *25(56)(a)3.*

19 **SECTION 1g.** 20.370 (4) (as) of the statutes is created to read:

20 20.370 (4) (as) *and investigations* PFAS — drinking water sampling. From the environmental
21 fund, as a continuing appropriation, the amounts in the schedule for testing water
22 samples for the presence of perfluoroalkyl or polyfluoroalkyl substances in

1 noncommunity water systems that may be in proximity to perfluoroalkyl or
 2 polyfluoroalkyl substances contamination and (in) municipal public water supply
 3 systems, as defined by the department by rule. *Ins B-3*

4 **SECTION 1i.** 20.370 (4) (ax) of the statutes is created to read:

5 20.370 (4) (ax) *PFAS — sampling.* Biennially, from the environmental fund,
 6 the amounts in the schedule for sampling and testing the environment, wildlife,
 7 facilities, and other sites for perfluoroalkyl and polyfluoroalkyl substances.

8 **SECTION 1j.** 20.370 (4) (ay) of the statutes is created to read:

9 20.370 (4) (ay) *PFAS — investigation and assistance.* From the environmental
 10 fund, as a continuing appropriation, the amounts in the schedule for investigating
 11 emerging contaminants that are perfluoroalkyl or polyfluoroalkyl substances and
 12 providing temporary potable water or treatment systems when no responsible party
 13 for contamination is available. *in those areas* *in those areas*

14 **SECTION 1k.** 20.370 (6) (es) of the statutes is created to read:

15 20.370 (6) (es) *Environmental aids — PFAS municipal grant program.*
 16 Biennially, from the environmental fund, the amounts in the schedule for the PFAS
 17 municipal grant program under s. 292.66.”

18 **3.** Page 2, line 2: after that line insert:

19 **SECTION 2d.** 36.50 of the statutes is created to read:

20 **36.50 PFAS disposal research grant.** The board shall provide a grant to a
 21 campus designated by the board to conduct research into technologies for destroying
 22 perfluoroalkyl and polyfluoroalkyl substances.

23 **SECTION 2k.** 292.66 of the statutes is created to read:

24 **292.66 PFAS municipal grant program. (1) DEFINITIONS.** In this section:

1 (a) "Municipality" means a city, town, village, county, county utility district,
2 town sanitary district, public inland lake protection and rehabilitation district,
3 sewerage district, or metropolitan sewage district.

4 (b) "PFAS" means a perfluoroalkyl or polyfluoroalkyl substance.

5 **(2) GRANTS.** (a) The department shall administer a program to provide grants
6 to municipalities for the purpose of conducting any of the eligible activities under
7 sub. (3).

8 (b) The department may provide a grant to a municipality only if the
9 municipality proposes to conduct an eligible activity under sub. (3) in response to any
10 of the following::

11 1. The municipality testing or training with a Class B fire fighting foam or
12 using a Class B fire fighting foam as part of an emergency fire fighting or fire
13 prevention operation, if the testing, training, or use occurred in accordance with
14 state and federal law. In this subdivision, "Class B fire fighting foam" means a foam
15 designed for use on a flammable liquid fire, and may include a dual action Class A
16 and B foam.

17 2. The municipality applying biosolids to land, if the land application was done
18 in accordance with a pollution discharge elimination system permit issued under ch.
19 283.

20 3. Any other municipal operations for which the municipality wishes to sample
21 for PFAS, if the operations were done in accordance with state and federal law and,
22 if applicable, with a pollution discharge elimination system permit issued under ch.
23 283.

24 4. The discharge of PFAS or the presence of environmental pollution caused by
25 PFAS, if the discharge or pollution is suspected to have impacted or is known to be

1 impacting a municipal or private water supply and if the person that caused the
2 discharge or pollution is unknown or is unwilling or unable to take the necessary
3 response actions.

4 (3) ELIGIBLE ACTIVITIES. The following activities are eligible for an award of a
5 grant under sub. (2):

6 (a) Investigating potential PFAS impacts to the air, land, or water at a site or
7 facility for the purpose of reducing or eliminating environmental contamination.

8 (b) Treating or disposing of PFAS-containing fire fighting foam containers from
9 a municipal site or facility.

10 (c) Sampling a private water supply within 3 miles of a site or facility known
11 to have caused the discharge of PFAS or environmental pollution from PFAS.

12 (d) Providing a temporary emergency water supply, a water treatment system,
13 or bulk water to replace water contaminated with PFAS.

14 (e) Remediating a PFAS discharge or PFAS environmental pollution, including
15 by treating or disposing of contaminated groundwater, sediment, biosolids, soil, and
16 other affected media.

17 (4) MATCHING FUNDS. The department may not provide a grant under sub. (2)
18 unless the municipality contributes matching funds of or in-kind services equal in
19 value to at least 20 percent of the amount of the grant.

20 (5) RULES. The department shall promulgate rules to administer the program
21 under this section, including criteria that limit the amount of awards provided.

22 **SECTION 2p. Nonstatutory provisions.**

23 (1) TESTING LABORATORIES; EMERGENCY RULES.

24 (a) The department of natural resources shall use the procedure under s. 227.24
25 to promulgate, no later than the first day of the 7th month beginning after the

Ins 5-22

1 effective date of this paragraph, emergency rules establishing criteria for certifying
 2 laboratories to test for any perfluoroalkyl or polyfluoroalkyl substances, including
 3 the standards and methods for such testing, and shall certify laboratories that meet
 4 these criteria. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules
 5 promulgated under this paragraph remain in effect until 3 years after the effective
 6 date of this paragraph or the date on which permanent rules take effect, whichever
 7 is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural
 8 resources is not required to provide evidence that promulgating a rule under this
 9 paragraph as an emergency rule is necessary for the preservation of public peace,
 10 health, safety, or welfare and is not required to provide a finding of emergency for a
 11 rule promulgated under this paragraph.

12 (b) Before emergency rules are promulgated under par. (a), the department of
 13 natural resources may require testing for a perfluoroalkyl or polyfluoroalkyl
 14 substance to be done according to any nationally recognized procedures.

15 (c) Emergency rules promulgated under par. (a) for drinking water shall be
 16 based on federal environmental protection agency protocols, if any, for testing for
 17 perfluoroalkyl and polyfluoroalkyl substances. In promulgating emergency rules
 18 under par. (a) for nondrinking water, the department of natural resources shall take
 19 into consideration the latest version of the federal department of defense's Quality
 20 Systems Manual for Environmental Laboratories.

21 (2) PFAS MUNICIPAL GRANT PROGRAM; EMERGENCY RULES. The department of
 22 natural resources shall use the procedure under s. 227.24 to promulgate, no later
 23 than the first day of the 7th month beginning after the effective date of this
 24 subsection, emergency rules to create and administer the program under s. 292.66.
 25 Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this

1 subsection remain in effect until 3 years after the effective date of this subsection or
2 the date on which permanent rules take effect, whichever is sooner.
3 Notwithstanding s. 227.24 (1) (a) and (3), the department of natural resources is not
4 required to provide evidence that promulgating a rule under this subsection as an
5 emergency rule is necessary for the preservation of public peace, health, safety, or
6 welfare and is not required to provide a finding of emergency for a rule promulgated
7 under this subsection.

8 (3) POSITION AUTHORIZATIONS; NATURAL RESOURCES. The authorized FTE
9 positions for the department of natural resources are increased by 9.0 SEG positions,
10 to be funded from the appropriation under s. 20.370 (4) (mq), for the purpose of
11 administering the provisions of this act. No more than \$191,700 in fiscal year
12 2019-20 and no more than \$766,200 in fiscal year 2020-21 may be expended for this
13 purpose. The positions shall be placed in the department's environmental
14 management division as follows: 1.0 program and policy manager in the office of
15 emerging contaminants; 1.0 natural resources administrative policy coordinator; 1.0
16 advanced water supply specialist in the drinking and groundwater program; 1.0
17 emerging contaminants coordinator in the remediation and redevelopment program;
18 2.0 advanced hydrogeologists in the remediation and redevelopment program; 1.0
19 advanced hydrogeologists in the waste and materials management program; 1.0
20 advanced wastewater specialist in the water quality program; and 1.0 advanced
21 environmental toxicologist in the great waters program.

22 **SECTION 2r. Fiscal change.**

23 (1) POSITION AUTHORIZATIONS; HEALTH SERVICES. In the schedule under s. 20.005
24 (3) for the appropriation to the department of health services under s. 20.435 (1) (a),
25 the dollar amount for fiscal year 2019-20 is increased by \$17,500 to increase the

1 authorized FTE project positions for the department by 1.0 GPR advanced
2 toxicologist position and by \$20,500 to increase the authorized FTE project positions
3 for the department by 1.0 GPR research scientist position for the purpose of
4 recommending enforcement standards for perfluoroalkyl and polyfluoroalkyl
5 substances under s. 160.07. In the schedule under s. 20.005 (3) for the appropriation
6 to the department of health services under s. 20.435 (1) (a), the dollar amount for
7 fiscal year 2020-21 is increased by \$70,000 to increase the authorized FTE project
8 positions for the department by 1.0 GPR advanced toxicologist position and by
9 \$81,900 to increase the authorized FTE project positions for the department by 1.0
10 GPR research scientist position for the purpose of recommending enforcement
11 standards for perfluoroalkyl and polyfluoroalkyl substances under s. 160.07.”

12

(END)

Ins 8-11

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1373/P1ins
MCP:ah&amn

1 INSERT 3-3

2 , that are in proximity to sites or facilities listed in the department's online
3 Bureau for Remediation and Redevelopment Tracking System as containing
4 perfluoroalkyl or polyfluoroalkyl contamination or as having discharged
5 perfluoroalkyl or polyfluoroalkyl substances. ^{STEP}

6
7 INSERT 5-22

8 “SECTION ^{2d} ~~??~~ 36.25 (56) (a) 3. of the statutes is created to read:

9 36.25 (56) (a) 3. Studying PFAS, the health effects of PFAS, the safe destruction
10 and disposal of PFAS, and safe levels of PFAS in water and air, and providing
11 information relating to these studies to the public. In this subdivision, “PFAS”
12 means perfluoroalkyl or polyfluoroalkyl substances.

13 SECTION ^{2k} ~~??~~ 36.25 (56) (f) of the statutes is created to read:

14 36.25 (56) (f) No later than January 1, 2021, the board shall submit a report
15 showing the scientifically safe levels determined under par. (a) 3. to the chief clerk
16 of each house of the legislature for distribution under s. 13.172 (3) to the standing
17 committees having jurisdiction over matters regarding natural resources.

18
19 INSERT 8-11

20 (2) BIENNIAL BUDGET REQUEST. The 2021-23 biennial budget request to the
21 department of administration from the department of natural resources shall
22 include funding for addressing perfluoroalkyl and polyfluoroalkyl substances. ^Y

23

1 (3) RECOVERY OF COSTS. The department of natural resources is entitled to
2 recover the costs of testing, investigations, and providing temporary potable water
3 provided from the appropriation under s. 20.370 (4) (as) from a responsible party if
4 a responsible party is identified. Reimbursements to the department of natural
5 resources under this subsection shall be credited to the environmental fund for
6 environmental management." *re*

Insura recon pro. —

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1373/P1ins
MCP:ah&amn

INSERT

2019
4
((0)) RECONCILIATION PROVISION. This act is void if 2019 Assembly Bill 801 or
Senate Bill 712 is not enacted. "0"

^{c-treatment}
The creation of ss. 20.255(1)
(15) ^{and} 136.25(56)(a) 3. and (f)
and
is



State of Wisconsin
2019 - 2020 LEGISLATURE

1B
LRBa1373/P2
MCP:ahc/amn/wlj

ASAP (not floor)

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 600**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after "districts" insert ", PFAS laboratory standards, funding
3 for PFAS research and investigations, providing an exemption from emergency rule
4 procedures, granting rule-making authority, and making an appropriation".

5 **2.** Page 1, line 3: before that line insert:

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

2019-20 2020-21

1 **20.285 University of Wisconsin System**

2 (1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC
3 SERVICE

4 (sr) Freshwater collaborative —
5 PFAS SEG C 1,000,000 -0-

6 **20.370 Natural resources, department of**

7 (4) ENVIRONMENTAL MANAGEMENT

8 (as) PFAS — drinking water sam-
9 pling and investigations SEG C 1,000,000 -0-

10 **SECTION 1e.** 20.285 (1) (sr) of the statutes is created to read:

11 20.285 (1) (sr) *Freshwater collaborative — PFAS.* From the environmental
12 fund, as a continuing appropriation, the amounts in the schedule for PFAS-related
13 activities by the freshwater collaborative under s. 36.25 (56) (a) 3.

14 **SECTION 1g.** 20.370 (4) (as) of the statutes is created to read:

15 20.370 (4) (as) *PFAS — drinking water sampling and investigations.* From the
16 environmental fund, as a continuing appropriation, the amounts in the schedule for

17 testing water samples for the presence of ^{any} perfluoroalkyl or polyfluoroalkyl
18 substances in noncommunity water systems and municipal public water supply
19 systems, as defined by the department by rule, that are in proximity to sites or
20 facilities listed in the department's online Bureau for Remediation and
21 Redevelopment Tracking System as containing perfluoroalkyl or polyfluoroalkyl
22 contamination or as having discharged perfluoroalkyl or polyfluoroalkyl substances,
23 for investigating emerging contaminants that are perfluoroalkyl or polyfluoroalkyl

for which the department has received a recommendation from the department of health services under s. 160.07 (3),

1 substances in those areas, and for providing temporary potable water or treatment
2 systems in those areas when no responsible party for contamination is available.”.

3 **3.** Page 2, line 2: after that line insert:

4 “SECTION 2d. 36.25 (56) (a) 3. of the statutes is created to read:

5 36.25 (56) (a) 3. Studying PFAS, the health effects of PFAS, the safe destruction
6 and disposal of PFAS, and safe levels of PFAS in water and air, and providing
7 information relating to these studies to the public. In this subdivision, “PFAS”
8 means perfluoroalkyl or polyfluoroalkyl substances.

9 SECTION 2k. 36.25 (56) (f) of the statutes is created to read:

10 36.25 (56) (f) No later than January 1, 2021, the board shall submit a report
11 showing the scientifically safe levels determined under par. (a) 3. to the chief clerk
12 of each house of the legislature for distribution under s. 13.172 (3) to the standing
13 committees having jurisdiction over matters regarding natural resources.

14 SECTION 2p. Nonstatutory provisions.

15 (1) TESTING LABORATORIES; EMERGENCY RULES.

16 (a) The department of natural resources shall use the procedure under s. 227.24
17 to promulgate, no later than the first day of the 7th month beginning after the
18 effective date of this paragraph, emergency rules establishing criteria for certifying
19 laboratories to test for any perfluoroalkyl or polyfluoroalkyl substances, including
20 the standards and methods for such testing, and shall certify laboratories that meet
21 these criteria. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural
22 resources is not required to provide evidence that promulgating a rule under this
23 paragraph as an emergency rule is necessary for the preservation of public peace,

In conducting the studies under this subdivision,
the collaborative shall consult all available
research and science.

1 health, safety, or welfare and is not required to provide a finding of emergency for a
2 rule promulgated under this paragraph.

3 (b) Before emergency rules are promulgated under par. (a), the department of
4 natural resources may require testing for a perfluoroalkyl or polyfluoroalkyl
5 substance to be done according to any nationally recognized procedures.

6 (c) Emergency rules promulgated under par. (a) for drinking water shall be
7 based on federal environmental protection agency protocols, if any, for testing for
8 perfluoroalkyl and polyfluoroalkyl substances. In promulgating emergency rules
9 under par. (a) for nondrinking water, the department of natural resources shall take
10 into consideration the latest version of the federal department of defense's Quality
11 Systems Manual for Environmental Laboratories.

12 (2) BIENNIAL BUDGET REQUEST. The 2021-23 biennial budget request to the
13 department of administration from the department of natural resources shall
14 include funding for addressing ^{any} perfluoroalkyl and polyfluoroalkyl substances.

15 (3) RECOVERY OF COSTS. The department of natural resources is entitled to
16 recover the costs of testing, investigations, and providing temporary potable water
17 provided from the appropriation under s. 20.370 (4) (as) from a responsible party if
18 a responsible party is identified. Reimbursements to the department of natural
19 resources under this subsection shall be credited to the environmental fund for
20 environmental management.

21 (4) RECONCILIATION PROVISION. The treatment of ss. 20.285 (1) (sr) and 36.25 (56)
22 (a) 3. and (f) is void if 2019 Assembly Bill 801 or 2019 Senate Bill 712 is not enacted.”.

23 (END)

for which the department has received a recommendation from the department of health services under s. 160.07 (3)



State of Wisconsin
2019 - 2020 LEGISLATURE

1/14
LRBa1373/P3
MCP:ahe/amn/wlj

not floor

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 600**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after "districts" insert ", PFAS laboratory standards, funding
3 for PFAS research and investigations, providing an exemption from emergency rule
4 procedures, granting rule-making authority, and making an appropriation".

5 **2.** Page 1, line 3: before that line insert:

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

1 polyfluoroalkyl substances; for investigating emerging contaminants that are
2 perfluoroalkyl or polyfluoroalkyl substances in those areas; and for providing
3 temporary potable water or treatment systems in those areas when no responsible
4 party for contamination is available.”.

5 **3.** Page 2, line 2: after that line insert:

6 “**SECTION 2d.** 36.25 (56) (a) 3. of the statutes is created to read:

7 **36.25 (56)** (a) 3. Studying ^{with schools of public health} PFAS, the health effects of PFAS, the safe destruction
8 and disposal of PFAS, and safe levels of PFAS in water and air, and providing
9 information relating to these studies to the public. In conducting the studies under
10 this subdivision, the collaborative shall consult all available research and science.
11 In this subdivision, “PFAS” means perfluoroalkyl or polyfluoroalkyl substances.

12 **SECTION 2k.** 36.25 (56) (f) of the statutes is created to read:

13 **36.25 (56)** (f) No later than January 1, 2021, the board shall submit a report
14 showing the scientifically safe levels determined under par. (a) 3. to the chief clerk
15 of each house of the legislature for distribution under s. 13.172 (3) to the standing
16 committees having jurisdiction over matters regarding natural resources.

17 **SECTION 2p. Nonstatutory provisions.**

18 (1) TESTING LABORATORIES; EMERGENCY RULES.

19 (a) The department of natural resources shall use the procedure under s. 227.24
20 to promulgate, no later than the first day of the 7th month beginning after the
21 effective date of this paragraph, emergency rules establishing criteria for certifying
22 laboratories to test for any perfluoroalkyl or polyfluoroalkyl substances, including
23 the standards and methods for such testing, and shall certify laboratories that meet
24 these criteria. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural

1 resources is not required to provide evidence that promulgating a rule under this
2 paragraph as an emergency rule is necessary for the preservation of public peace,
3 health, safety, or welfare and is not required to provide a finding of emergency for a
4 rule promulgated under this paragraph.

5 (b) Before emergency rules are promulgated under par. (a), the department of
6 natural resources may require testing for a perfluoroalkyl or polyfluoroalkyl
7 substance to be done according to any nationally recognized procedures.

8 (c) Emergency rules promulgated under par. (a) for drinking water shall be
9 based on federal environmental protection agency protocols, if any, for testing for
10 perfluoroalkyl and polyfluoroalkyl substances. In promulgating emergency rules
11 under par. (a) for nondrinking water, the department of natural resources shall take
12 into consideration the latest version of the federal department of defense's Quality
13 Systems Manual for Environmental Laboratories.

14 (2) BIENNIAL BUDGET REQUEST. The 2021-23 biennial budget request to the
15 department of administration from the department of natural resources shall
16 include funding for addressing any perfluoroalkyl and polyfluoroalkyl substance for
17 which the department has received a recommendation from the department of
18 health services under s. 160.07 (3).

19 (3) RECOVERY OF COSTS. The department of natural resources is entitled to
20 recover the costs of testing, investigations, and providing temporary potable water
21 provided from the appropriation under s. 20.370 (4) (as) from ^{deal} a responsible party ^{lies} if

22 a responsible party is identified. Reimbursements to the department of natural
23 resources under this subsection shall be credited to the environmental fund for
24 environmental management.



State of Wisconsin
2019 - 2020 LEGISLATURE

UPSe
LRBa1378/D4
MCP:ahe/amn/wlj

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 600**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after “districts” insert “, PFAS laboratory standards, funding
3 for PFAS research and investigations, providing an exemption from emergency rule
4 procedures, granting rule-making authority, and making an appropriation”.

5 **2.** Page 1, line 3: before that line insert:

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

1 polyfluoroalkyl contamination or as having discharged perfluoroalkyl or
2 polyfluoroalkyl substances; for investigating emerging contaminants that are
3 perfluoroalkyl or polyfluoroalkyl substances in those areas; and for providing
4 temporary potable water or treatment systems in those areas when no responsible
5 party for contamination is available.”.

6 **3.** Page 2, line 2: after that line insert:

7 “**SECTION 2d.** 36.25 (56) (a) 3. of the statutes is created to read:

8 36.25 (56) (a) 3. Studying, with schools of public health, PFAS, the health
9 effects of PFAS, the safe destruction and disposal of PFAS, and safe levels of PFAS
10 in water and air, and providing information relating to these studies to the public.
11 In conducting the studies under this subdivision, the collaborative shall consult all
12 available research and science. In this subdivision, “PFAS” means perfluoroalkyl or
13 polyfluoroalkyl substances.

14 **SECTION 2k.** 36.25 (56) (f) of the statutes is created to read:

15 36.25 (56) (f) No later than January 1, 2021, the board shall submit a report
16 showing the scientifically safe levels determined under par. (a) 3. to the chief clerk
17 of each house of the legislature for distribution under s. 13.172 (3) to the standing
18 committees having jurisdiction over matters regarding natural resources.

19 **SECTION 2p. Nonstatutory provisions.**

20 (1) TESTING LABORATORIES; EMERGENCY RULES.

21 (a) The department of natural resources shall use the procedure under s. 227.24
22 to promulgate, no later than the first day of the 7th month beginning after the
23 effective date of this paragraph, emergency rules establishing criteria for certifying
24 laboratories to test for any perfluoroalkyl or polyfluoroalkyl substances, including

1 the standards and methods for such testing, and shall certify laboratories that meet
2 these criteria. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural
3 resources is not required to provide evidence that promulgating a rule under this
4 paragraph as an emergency rule is necessary for the preservation of public peace,
5 health, safety, or welfare and is not required to provide a finding of emergency for a
6 rule promulgated under this paragraph.

7 (b) Before emergency rules are promulgated under par. (a), the department of
8 natural resources may require testing for a perfluoroalkyl or polyfluoroalkyl
9 substance to be done according to any nationally recognized procedures.

10 (c) Emergency rules promulgated under par. (a) for drinking water shall be
11 based on federal environmental protection agency protocols, if any, for testing for
12 perfluoroalkyl and polyfluoroalkyl substances. In promulgating emergency rules
13 under par. (a) for nondrinking water, the department of natural resources shall take
14 into consideration the latest version of the federal department of defense's Quality
15 Systems Manual for Environmental Laboratories.

16 (2) BIENNIAL BUDGET REQUEST. The 2021-23 biennial budget request to the
17 department of administration from the department of natural resources shall
18 include funding for addressing any perfluoroalkyl and polyfluoroalkyl substance for
19 which the department has received a recommendation from the department of
20 health services under s. 160.07 (3).

21 (3) RECOVERY OF COSTS. The department of natural resources is entitled to
22 recover the costs of testing, investigations, and providing temporary potable water
23 provided from the appropriation under s. 20.370 (4) (as) from all responsible parties.
24 Reimbursements to the department of natural resources under this subsection shall
25 be credited to the environmental fund for environmental management.

*a significant source
of the substances for
which the costs are
incurred*



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1373/P5
MCP:ahe/amn/wlj

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 600**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after “districts” insert “, PFAS laboratory standards, funding
3 for PFAS research and investigations, providing an exemption from emergency rule
4 procedures, granting rule-making authority, and making an appropriation”.

5 **2.** Page 1, line 3: before that line insert:

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

				2019-20	2020-21
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1 **20.285 University of Wisconsin System**

2 (1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC
3 SERVICE

4 (sr) Freshwater collaborative —

5	PFAS	SEG	C	1,000,000	-0-
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6 **20.370 Natural resources, department of**

7 (4) ENVIRONMENTAL MANAGEMENT

8 (as) PFAS — drinking water sam-

9	pling and investigations	SEG	C	1,000,000	-0-
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10 **SECTION 1e.** 20.285 (1) (sr) of the statutes is created to read:

11 20.285 (1) (sr) *Freshwater collaborative — PFAS.* From the environmental
12 fund, as a continuing appropriation, the amounts in the schedule for PFAS-related
13 activities by the freshwater collaborative and schools of public health under s. 36.25
14 (56) (a) 3.

15 **SECTION 1g.** 20.370 (4) (as) of the statutes is created to read:

16 20.370 (4) (as) *PFAS — drinking water sampling and investigations.* From the
17 environmental fund, as a continuing appropriation, the amounts in the schedule for
18 testing water samples for the presence of any perfluoroalkyl or polyfluoroalkyl
19 substance for which the department has received a recommendation from the
20 department of health services under s. 160.07 (3), in noncommunity water systems
21 and municipal public water supply systems, as defined by the department by rule,
22 that are in proximity to sites or facilities listed in the department's online Bureau for
23 Remediation and Redevelopment Tracking System as containing perfluoroalkyl or

1 polyfluoroalkyl contamination or as having discharged perfluoroalkyl or
2 polyfluoroalkyl substances; for investigating emerging contaminants that are
3 perfluoroalkyl or polyfluoroalkyl substances in those areas; and for providing
4 temporary potable water or treatment systems in those areas when no responsible
5 party for contamination is available.”

6 **3.** Page 2, line 2: after that line insert:

7 **“SECTION 2d.** 36.25 (56) (a) 3. of the statutes is created to read:

8 36.25 (56) (a) 3. Studying, with schools of public health, PFAS, the health
9 effects of PFAS, the safe destruction and disposal of PFAS, and safe levels of PFAS
10 in water and air, and providing information relating to these studies to the public.
11 In conducting the studies under this subdivision, the collaborative shall consult all
12 available research and science. In this subdivision, “PFAS” means perfluoroalkyl or
13 polyfluoroalkyl substances.

14 **SECTION 2k.** 36.25 (56) (f) of the statutes is created to read:

15 36.25 (56) (f) No later than January 1, 2021, the board shall submit a report
16 showing the scientifically safe levels determined under par. (a) 3. to the chief clerk
17 of each house of the legislature for distribution under s. 13.172 (3) to the standing
18 committees having jurisdiction over matters regarding natural resources.

19 **SECTION 2p. Nonstatutory provisions.**

20 (1) TESTING LABORATORIES; EMERGENCY RULES.

21 (a) The department of natural resources shall use the procedure under s. 227.24
22 to promulgate, no later than the first day of the 7th month beginning after the
23 effective date of this paragraph, emergency rules establishing criteria for certifying
24 laboratories to test for any perfluoroalkyl or polyfluoroalkyl substances, including

1 the standards and methods for such testing, and shall certify laboratories that meet
2 these criteria. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural
3 resources is not required to provide evidence that promulgating a rule under this
4 paragraph as an emergency rule is necessary for the preservation of public peace,
5 health, safety, or welfare and is not required to provide a finding of emergency for a
6 rule promulgated under this paragraph.

7 (b) Before emergency rules are promulgated under par. (a), the department of
8 natural resources may require testing for a perfluoroalkyl or polyfluoroalkyl
9 substance to be done according to any nationally recognized procedures.

10 (c) Emergency rules promulgated under par. (a) for drinking water shall be
11 based on federal environmental protection agency protocols, if any, for testing for
12 perfluoroalkyl and polyfluoroalkyl substances. In promulgating emergency rules
13 under par. (a) for nondrinking water, the department of natural resources shall take
14 into consideration the latest version of the federal department of defense's Quality
15 Systems Manual for Environmental Laboratories.

16 (2) BIENNIAL BUDGET REQUEST. The 2021-23 biennial budget request to the
17 department of administration from the department of natural resources shall
18 include funding for addressing any perfluoroalkyl and polyfluoroalkyl substance for
19 which the department has received a recommendation from the department of
20 health services under s. 160.07 (3).

21 (3) RECOVERY OF COSTS. The department of natural resources is entitled to
22 recover the costs of testing, investigations, and providing temporary potable water
23 provided from the appropriation under s. 20.370 (4) (as) from a significant source of
24 the substances for which the costs are incurred. Reimbursements to the department

1 of natural resources under this subsection shall be credited to the environmental
2 fund for environmental management.

3 (4) RECONCILIATION PROVISION. The treatment of ss. 20.285 (1) (sr) and 36.25 (56)
4 (a) 3. and (f) is void if 2019 Assembly Bill 801 or 2019 Senate Bill 712 is not enacted.”.

5 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

for vote on floor

11
LRBa1373/P5
MCP:ahe/amn/wlj

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 600**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after "districts" insert ", PFAS laboratory standards, funding
3 for PFAS research and investigations, ^{and} providing an exemption from emergency rule
4 procedures, granting rule-making authority, and making an appropriation".

5 **2.** Page 1, line 3: before that line insert:

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

2019-20 2020-21

20.285 University of Wisconsin System

(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC
SERVICE

(sr) Freshwater collaborative —

PFAS	SEG	C	1,000,000	-	0-
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20.370 Natural resources, department of

(4) ENVIRONMENTAL MANAGEMENT

(as) PFAS — drinking water sam-

pling and investigations	SEG	C	1,000,000	-	0-
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SECTION 1e. 20.285 (1) (sr) of the statutes is created to read:

20.285 (1) (sr) *Freshwater collaborative — PFAS.* From the environmental fund, as a continuing appropriation, the amounts in the schedule for PFAS-related activities by the freshwater collaborative and schools of public health under s. 36.25 (56) (a) 3.

SECTION 1g. 20.370 (4) (as) of the statutes is created to read:

20.370 (4) (as) *PFAS — drinking water sampling and investigations.* From the environmental fund, as a continuing appropriation, the amounts in the schedule for testing water samples for the presence of any perfluoroalkyl or polyfluoroalkyl substance for which the department has received a recommendation from the department of health services under s. 160.07 (3), in noncommunity water systems and municipal public water supply systems, as defined by the department by rule, that are in proximity to sites or facilities listed in the department’s online Bureau for Remediation and Redevelopment Tracking System as containing perfluoroalkyl or

1 polyfluoroalkyl contamination or as having discharged perfluoroalkyl or
2 polyfluoroalkyl substances; for investigating emerging contaminants that are
3 perfluoroalkyl or polyfluoroalkyl substances in those areas; and for providing
4 temporary potable water or treatment systems in those areas when no responsible
5 party for contamination is available.”

6 **3.** Page 2, line 2: after that line insert:

7 “**SECTION 2d.** 36.25 (56) (a) 3. of the statutes is created to read:

8 36.25 (56) (a) 3. Studying, with schools of public health, PFAS, the health
9 effects of PFAS, the safe destruction and disposal of PFAS, and safe levels of PFAS
10 in water and air, and providing information relating to these studies to the public.
11 In conducting the studies under this subdivision, the collaborative shall consult all
12 available research and science. In this subdivision, “PFAS” means perfluoroalkyl or
13 polyfluoroalkyl substances.

14 **SECTION 2k.** 36.25 (56) (f) of the statutes is created to read:

15 36.25 (56) (f) No later than January 1, 2021, the board shall submit a report
16 showing the scientifically safe levels determined under par. (a) 3. to the chief clerk
17 of each house of the legislature for distribution under s. 13.172 (3) to the standing
18 committees having jurisdiction over matters regarding natural resources.

19 **SECTION 2p. Nonstatutory provisions.**

20 (1) TESTING LABORATORIES; EMERGENCY RULES.

21 (a) The department of natural resources shall use the procedure under s. 227.24
22 to promulgate, no later than the first day of the 7th month beginning after the
23 effective date of this paragraph, emergency rules establishing criteria for certifying
24 laboratories to test for any perfluoroalkyl or polyfluoroalkyl substances, including

1 the standards and methods for such testing, and shall certify laboratories that meet
2 these criteria. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural
3 resources is not required to provide evidence that promulgating a rule under this
4 paragraph as an emergency rule is necessary for the preservation of public peace,
5 health, safety, or welfare and is not required to provide a finding of emergency for a
6 rule promulgated under this paragraph.

7 (b) Before emergency rules are promulgated under par. (a), the department of
8 natural resources may require testing for a perfluoroalkyl or polyfluoroalkyl
9 substance to be done according to any nationally recognized procedures.

10 (c) Emergency rules promulgated under par. (a) for drinking water shall be
11 based on federal environmental protection agency protocols, if any, for testing for
12 perfluoroalkyl and polyfluoroalkyl substances. In promulgating emergency rules
13 under par. (a) for nondrinking water, the department of natural resources shall take
14 into consideration the latest version of the federal department of defense's Quality
15 Systems Manual for Environmental Laboratories.

16 (2) BIENNIAL BUDGET REQUEST. The 2021-23 biennial budget request to the
17 department of administration from the department of natural resources shall
18 include funding for addressing any perfluoroalkyl and polyfluoroalkyl substance for
19 which the department has received a recommendation from the department of
20 health services under s. 160.07 (3).

21 (3) RECOVERY OF COSTS. The department of natural resources is entitled to
22 recover the costs of testing, investigations, and providing temporary potable water
23 provided from the appropriation under s. 20.370 (4) (as) from a significant source of
24 the substances for which the costs are incurred. Reimbursements to the department

1 of natural resources under this subsection shall be credited to the environmental
2 fund for environmental management.

3 (4) RECONCILIATION PROVISION. The treatment of ss. 20.285 (1) (sr) and 36.25 (56)

4 (a) 3. and (f) is void if 2019 Assembly Bill 801 or 2019 Senate Bill 712 is not enacted.”.

5 (END)