

2019 DRAFTING REQUEST

Assembly Amendment (AA-AB56)

For: Legislative Fiscal Bureau Drafter: swalkenh  
 By: Dyck Secondary Drafters:  
 Date: 6/7/2019 May Contact:

Same as LRB:

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Pre Topic:

LFB:.....Dyck -

Topic:

Nitrate testing for private wells (Motion 113.C.13)

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 6/11/2019	kfollett 6/11/2019			
/P1			lparisi 6/11/2019		

FE Sent For: <END>

~~for trainees and clinical supervisors.~~

13. *Nitrate Testing for Private Wells.* Provide \$3,000,000 GPR in 2019-20 to the Committee's program supplements appropriation, and enable the Department to submit a request under s. 13.10 of the statutes to seek the release of this funding. Create a continuing appropriation within the Division of Public Health, from which DHS must award grants of up to \$2,500 to eligible private well owners, which recipients must use to cover remediation costs with a primary purpose of providing potable water for human consumption to either a residential or nonprofit business property if the owner has a well that has nitrate levels exceeding ten parts per million. Eligible costs include well testing, installation of an appropriate filtration system, repair or replacement of the well, or replacement of the water supply.

Require DHS to distribute up to a total of \$500,000 to counties that apply to participate in the pilot testing program to provide reimbursement for the actual costs of administering the testing and reporting requirements. Authorize a county to contract with other counties, with well drillers or pump installers licensed through the Department of Natural Resource, or with plumbers licensed by the Department of Safety and Professional Services to provide these testing services. Authorize counties to use moneys received from DHS for the pilot to ensure reimbursement for the county's cost or those incurred by other entities with which the county has a contract.

Private well owners may make a request to the local health department to have the nitrate levels tested in their wells. If the well owner's county has chosen to participate in the pilot program, the local health department must provide a list of public or private entities that are available to complete the testing. The private well owner may contact any of the available entities on the list provided by the local health department. An available public or private entity that agrees to do the testing for the private well owner must collect the necessary samples and do the following: (a) submit the samples for testing to the state laboratory of hygiene or another state certified laboratory; (b) report the test results to DHS and the private well owner, together with a recommendation for one or more of the remediation approaches set forth in the bill, if appropriate, and, if the testing indicates nitrate levels exceeding ten parts per million, a statement of the fees charged for the testing, and a recommendation that the well owner receive reimbursement for those costs; and (c) notify the private well owner that the owner may contact DHS within 30 days to request a grant for a different approach than was recommended by the entity that completed the testing.

Specify that a private well owner is eligible to apply for a grant if the report provided to DHS indicates that nitrate levels in the owner's well water exceed ten parts per million. Specify that a private well owner may only receive one grant per parcel. Further, specify that DHS may not set an income limitation for an applicant to be eligible for a grant.

Require that, in considering grant applications under the pilot, DHS must give preference to applicants who have a household member who is: pregnant, breast-feeding, under the age of three years, or over the age of 65 years. Require that DHS must, after subtracting the \$500,000 available for distribution to counties, reserve one-third of the remaining moneys for grants to applicants given preference.

Require, in a non-statutory provision, that no later than September 1, 2020, DHS must submit

a report on the pilot grant program to the legislature. DHS must include, in the report, information on the status of the program and provide recommendations regarding continuation of the program, proposed changes to the program, if any, and a recommendation regarding funding.

Authorize DHS to promulgate emergency rules under state statute to implement the pilot program. Emergency rules promulgated under this provision, remain in effect until January 1, 2021, or the date on which permanent rules take effect, whichever is sooner.

14. *Suicide Prevention Grant.* Provide \$100,000 GPR in 2019-20 to DHS to create a one-time grant of \$100,000 to the Wisconsin United Coalition of Mutual Assistance Association for suicide prevention activities.

15. *Vaccination Outreach and Education.* Increase base funding by \$100,000 GPR in 2019-20 for the Division of Public Health to conduct a statewide, science-based public outreach and educational campaign related to vaccination.

16. *Respite Care.* Increase base funding by \$125,000 GPR annually to increase funding for the respite care program.

17. *Free and Charitable Clinics.* Provide \$500,000 GPR annually in the Department's appropriation for community health services to provide grants for free and charitable clinics.

#### **D. FoodShare**

1. *FSET -- Cost-to-Continue and Services for Certain MA Recipients (Paper #415).* Adopt Alternative A2b to reduce base funding by \$8,446,100 (-\$2,412,300 GPR and -\$6,033,800 FED) in 2019-20 and by \$7,823,900 (-\$2,001,200 GPR and -\$5,822,700 FED) in 2020-21 to use actual 2017-18 average FSET vendor enrollee costs as the base rate and average monthly enrollment of 8,048, and to provide \$1,000,000 GPR annually to fund FSET services for childless adults/enrolled in MA.

2. *FSET -- Drug Screening, Testing and Treatment (Paper #416).* Adopt Alternative 3 to retain the drug screening, testing, and treatment requirements and increase base funding by \$66,400 (\$27,800 GPR and \$38,600 FED) in 2019-20 and \$88,500 (\$36,900 GPR and \$51,600 FED) in 2020-21.

3. *FSET -- Required Participation by Able-Bodied Adults (Paper #417).* Adopt Alternative B3 to retain the mandatory FSET requirement for able-bodied adults and increase base funding by \$9,786,600 (\$4,893,300 GPR and \$4,893,300 FED) in 2019-20 and by \$31,319,600 (\$15,659,800 GPR and \$15,659,800 FED) in 2020-21. Place the \$20,553,100 GPR funding provided under this alternative in the Committee's program supplements appropriation in 2019-20 and require DHS to seek the release of the funds through the statutory provisions of Wis. Stat. 13.10. Further, specify that DHS may not seek the release of this funding until April 1, 2020, and as part of the request, DHS must report on able-bodied FSET enrollment between October 1, 2019, and March 31, 2020, as part of its justification for seeking the additional funding.



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBb0293?

SWB:

Handwritten initials and "191"

LFB:.....Dyck - Nitrate testing for private wells (Motion 113.C.13)

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 56**

IN %

✓

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

2 **1.** Page 385, line 14: after that line insert: ✓

3 **"SECTION 189m.** 20.435 (1) (ec) of the statutes is created to read: ✓

4 20.435 (1) (ec) *Nitrate testing grant program.* As a continuing appropriation,  
5 the amounts in the schedule for grants to private well owners for remediation for  
6 private wells with excessive nitrate levels and for reimbursement to counties for the  
7 actual costs of administering testing and reporting requirements under s. 254.25." ✓

8 **2.** Page 979, line 23: after that line insert: ✓

9 **"SECTION 1949m.** 254.25 of the statutes is created to read: ✓

10 **254.25 Nitrate testing grant program.** (1) In this section, "local health  
11 department" has the meaning given in s. 250.01 (4).

1 (2) (a) From the appropriation under s. 20.435 (1) (ec), subject to subs. (3), (5),  
2 and (6), the department shall award grants to private well owners who apply to  
3 receive a grant and who satisfy the requirements set forth in this section. The  
4 department shall, after subtracting the amount available for distribution to counties  
5 under par. (b), reserve one-third of the remaining moneys for grants to applicants  
6 given preference under sub. (6).

7 (b) From the appropriation under s. 20.435 (1) (ec), the department shall  
8 distribute amounts up to a total of \$500,000 to counties that apply to participate in  
9 the testing program under this section to provide reimbursement for the actual cost  
10 of administering the testing and reporting requirements under sub. (4). A county  
11 may contract with other counties, with well drillers or pump installers licensed  
12 through the department of natural resources under ch. 280, or with plumbers  
13 licensed by the department of safety and professional services under s. 145.06 to  
14 provide testing services under this section and may use moneys received from the  
15 department of health services under this section to ensure reimbursement for its  
16 costs or those incurred by other entities with which the county has a contract for  
17 testing under this section.

18 (3) The department shall, to the extent that funds are available under this  
19 section, distribute grants to cover costs described in this subsection, according to a  
20 schedule promulgated by the department by rule, subject to a limitation of \$2500 per  
21 private well owner. Grant recipients must use grant moneys to cover costs for a  
22 private well with a primary purpose of providing potable water for human  
23 consumption to either a residential or nonprofit business property. Eligible costs  
24 under this section include any of the following:

25 (a) Well testing.

1 (b) Installation of an appropriate filtration system.

2 (c) Repair or replacement of the well with a well that complies with the  
3 requirements under s. 281.75 (12).

4 (d) Replacement of the water supply.

5 (4) A private well owner may make a request to the local health department  
6 to have the nitrate levels tested for his or her well. If the well owner's county has  
7 chosen to participate in the program under this section, upon a request from a private  
8 well owner, the local health department shall provide a list of entities, public or  
9 private, that are available to complete the testing. The private well owner may  
10 contact any of the available entities on the list provided by the local health  
11 department. An available public or private entity that agrees to do the testing for  
12 the private well owner shall collect the necessary samples and do all of the following:

13 (a) Submit the samples for testing to the state laboratory of hygiene or another  
14 state certified laboratory.

15 (b) Report the test results to the department and the private well owner,  
16 together with a recommendation for one or more of the remediation approaches  
17 enumerated under sub. (3) (b) to (d), if appropriate, and, if the test results indicate  
18 nitrate levels exceeding 10 parts per million, a statement of the fees charged for  
19 testing and a recommendation that the private well owner receive reimbursement  
20 for those costs.

21 (c) Notify the private well owner that the private well owner may contact the  
22 department within 30 days to request a grant for a different approach than was  
23 recommended by the entity that completed the testing.

24 (5) (a) A private well owner is eligible to apply for a grant under this section  
25 if the report provided to the department under sub. (4) indicates that nitrate levels

1 in the owner's well water exceed 10 parts per million. A private well owner may  
2 receive only one grant per parcel.

3 (b) The department may not set an income limitation for an applicant to be  
4 eligible for a grant under this section.

5 (6) In considering grant applications under this section, the department shall  
6 give preference to applicants who have a household member who is any of the  
7 following:

8 (a) Pregnant.

9 (b) Breast-feeding.

10 (c) Under the age of 3 years.

11 (d) Over the age of 65."

12 **3.** Page 1109, line 5: after that line insert:

13 ~~(10)~~ <sup>ef</sup> NITRATE TESTING GRANT PROGRAM.

14 (a) No later than September 1, 2020, the department of health services shall  
15 submit a report on the grant program under s. 254.25 to the legislature under s.  
16 13.172 (2). The department shall include in the report information on the status of  
17 the program and provide recommendations regarding continuation of the program,  
18 proposed changes to the program, if any, and a recommendation regarding funding.

19 (b) The department of health services may promulgate emergency rules under  
20 s. 227.24 to implement s. 254.25. Notwithstanding s. 227.24 (1) (c) and (2),  
21 emergency rules promulgated under this subsection remain in effect until January  
22 1, 2021, or the date on which permanent rules take effect, whichever is sooner."

23

(END)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBb0293/P1  
SWB:kjf

LFB:.....Dyck - Nitrate testing for private wells (Motion 113.C.13)

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 56**

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17 testing under this section.

18           **(3)** The department shall, to the extent that funds are available under this  
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23 (END)