



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2019 Senate Bill 137**

**Senate  
Amendment 1**

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### **2019 SENATE BILL 137**

2019 Senate Bill 137 creates a new nitrate testing grant program, administered by the Department of Health Services (DHS).<sup>1</sup> The bill appropriates \$10 million in fiscal year 2019-20 for the program and directs DHS to distribute up to \$500,000 of that amount to counties for the actual cost of administering the testing and reporting requirements under the bill.

Under the bill, DHS is directed to award grants of up to \$2,500, if tests demonstrate nitrate concentration levels exceeding 10 ppm. Grant recipients must use the award to cover eligible costs for a private well with a primary purpose of providing potable water for human consumption to either a residential or nonprofit business property. Eligible costs include well testing, installation of an appropriate filtration system, replacement of the well, or replacement of the water supply.

The testing program created by the bill is administered by DHS and participating counties through local health departments. Under the program, private well owners may contact a local health department to have nitrate levels tested. If the well owner's county has chosen to participate in the testing program, upon request from a private well owner, the local health department must collect the necessary samples and do all of the following: (1) submit the samples for testing to the State Laboratory of Hygiene or another state certified laboratory; (2)

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<sup>1</sup> The bill does not affect the existing well compensation grant program administered by the Department of Natural Resources. Although that existing program also provides grant funding to private property owners for remediation of contaminated wells, a well that is contaminated only by nitrates is eligible for a grant under the current program only if the property owner satisfies certain income eligibility criteria, the well is used as a source of drinking water for livestock, and the well contains nitrates exceeding 40 parts per million (ppm). [s. 281.75 (9) and (11) (a), Stats.]

report the test results to DHS and the private well owner, together with a recommendation for one or more remediation approaches specified in the bill (installation of an appropriate filtration system, replacement of the well, replacement of the water supply), if appropriate, and, if the testing indicates nitrate levels exceeding 10 ppm, a statement of the fees charged for the testing and a recommendation that the well owner receive reimbursement for those costs; and (3) 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 local health department.

When awarding grants, DHS is required to give preference to grant applicants who have a household member who is pregnant, breast-feeding, under three years old, or over the age of 65. DHS may not set an income limitation for grant eligibility. A private well owner may receive only one grant per parcel.

The bill requires DHS to submit a report regarding the program to the Legislature by September 1, 2020.

### **SENATE AMENDMENT 1**

Senate Amendment 1 makes four key substantive changes to the bill. Specifically, the amendment does all of the following:

- Authorizes testing, and subsequent recommendations, notifications, and reports, to be completed by private, licensed well drillers, pump installers, and plumbers, in addition to local health departments, and authorizes funds provided to counties under the bill to be used to reimburse such private entities.
- Requires DHS to reserve one-third of the grant money for grant applicants whose households include a woman who is pregnant or breast-feeding, a child under the age of three, or a person over the age of 65.
- Allows grant funds to be used to **repair** a well, in addition to the purposes for which grant money may be expended under the bill.
- Authorizes DHS to promulgate emergency rules to administer the program, and provides that those emergency rules may remain in effect until January 1, 2019, or until permanent rules are in effect, whichever is earlier.

### **BILL HISTORY**

Senator Testin offered Senate Amendment 1 on May 21, 2019. On May 30, 2019, the Senate Committee on Natural Resources and Energy voted unanimously to recommend the adoption of the amendment. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

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