
Wisconsin Legislative Council

AMENDMENT MEMO



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Contact: Benjamin Kramer, Staff Analyst

2021 Assembly Bill 392

Assembly Amendment 1

2021 ASSEMBLY BILL 392

2021 Assembly Bill 392 directs the Department of Natural Resources to administer a program to provide grants to municipalities to address perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill establishes eligibility and priority criteria for grants and specifies the types of projects eligible for funding. Projects eligible for funding under the bill generally include the investigation and remediation of PFAS contamination, the disposal of PFAS-containing firefighting foam containers, and the provision of treatment systems or emergency water supplies.

The bill also includes a “waiver of action” provision, applicable to three types of claims or actions:

1. Claims or actions brought by a municipality that receives a grant. Under the bill, a grant recipient waives the right to bring or maintain a claim or action against any person alleged to be responsible for the PFAS contamination that is the basis for the grant.
2. Claims or actions brought by a person who benefits from expenditure of a grant. Under the bill, any person that benefits from the expenditure of a grant may not bring a claim or action against any person alleged to be responsible for the PFAS contamination that is the basis for a grant.
3. Claims or actions that relate to property that benefits from expenditure of a grant. Similarly, under the bill, no action or claim may be brought against any person alleged to be responsible for the PFAS contamination that is the basis for a grant with respect to any property that benefitted from the expenditure of a grant.

The bill also directs the Governor to allocate \$10,000,000 per fiscal year for the grant program, using funds from the federal American Rescue Plan Act of 2021.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 modifies the bill’s waiver of action provision. While the bill precludes claims or actions by any person or with respect to any property that benefits from the expenditure of a grant, the amendment instead precludes claims or actions by any person or with respect to any property that has received a financial payment or a direct capital improvement from the expenditure of a grant.

Assembly Amendment 1 also clarifies that the \$10,000,000 allocation per fiscal year is to occur in each fiscal year of the 2021-2023 fiscal biennium.

BILL HISTORY

Representative Behnke offered Assembly Amendment 1 on June 14, 2021. On June 16, 2021, the Assembly Committee on Energy and Utilities recommended adoption of the amendment by a vote of

Ayes, 10; Noes, 5. The bill was then recommended for passage, as amended, by a vote of Ayes, 10; Noes, 5.

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