2021 ASSEMBLY BILL 1064

AN ACT to create 20.370 (6) (cs), 281.73 and 281.74 of the statutes; relating to: grants for testing privately owned wells and providing education, providing an exemption from emergency rule procedures, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to create and administer a program to provide two types of grants: 1) grants, not to exceed $10,000, to any county and to any city, village, or town that contains privately owned wells or water supplies to test and map privately owned wells to assess groundwater quality and determine the extent of any contamination and to study and map geologic characteristics and well construction practices to determine any correlation between water quality, geology, and well construction; and 2) grants, not to exceed $10,000, to county health departments and county land and water conservation departments to provide education and outreach related to well testing. Applicants may apply for a grant individually or jointly with other applicants and may apply for both types of grants simultaneously. Under the bill, the recipient of a testing and mapping grant must share the results of its testing with DNR and the University of Wisconsin–Stevens Point Center for Watershed Science and Education but may not include any personally identifiable information, including specific property locations, with the submitted results.
The bill also requires cities, villages, and towns that contain privately owned wells or water supplies to inform its residents of the importance of regular well testing. 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:

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<tr>
<th>2021-22</th>
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<tr>
<td>20.370</td>
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<td>(6)</td>
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<td>Environmental aids — private well testing grant program</td>
<td>SEG A</td>
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**SECTION 2.** 20.370 (6) (cs) of the statutes is created to read:

20.370 (6) (cs) Environmental aids — private well testing grant program. From the environmental fund, the amounts in the schedule to provide grants for testing privately owned wells under s. 281.73.

**SECTION 3.** 281.73 of the statutes is created to read:

281.73 Private well testing grant program. (1) The department shall administer a program to provide the following grants from the appropriation under s. 20.370 (6) (cs):

(a) Grants to any county and to any city, village, or town that contains privately owned wells or water supplies for the purpose of testing and mapping privately owned wells to assess groundwater quality and to determine the extent and type of any contamination and to study and map geologic characteristics and well
construction practices, including depth to bedrock and well age, to determine any
correlation between water quality, geology, and well construction. Grants provided
under this paragraph may not exceed $10,000.

(b) Grants to county health departments and county land and water
conservation departments for the purpose of providing education and outreach
related to well testing. Grants provided under this paragraph may not exceed
$10,000.

(2) Eligible applicants may apply for the grants under sub. (1) individually or
jointly with any other eligible applicant and may apply for the grants under sub. (1)
(a) and (b) simultaneously.

(3) The recipient of a grant under sub. (1) (a) shall submit the results of its
testing and study to the department and the University of Wisconsin–Stevens Point
Center for Watershed Science and Education but may not include any personally
identifiable information, including specific property locations, with the submitted
results.

(4) The department may promulgate rules to implement this section.

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

281.74 Well testing importance. A city, village, or town that contains
privately owned wells or water supplies shall inform its residents of the importance
of regular well testing.

SECTION 5. Nonstatutory provisions.

(1) 2023-25 BIENNIAL BUDGET REQUEST. In submitting information under s. 16.42
for purposes of the 2023–25 biennial budget bill, the department of natural resources
shall include a request to provide $2,000,000 in funding for fiscal year 2023–24 and
$2,000,000 in funding for fiscal year 2024-25 for the private well testing grant program under s. 281.73.

(2) Emergency rules. The department of natural resources may use the procedure under s. 227.24 to promulgate emergency rules relating to the private well testing grant program under s. 281.73 for the period before the effective date of any permanent rules promulgated under s. 281.73 but not to exceed the period authorized under s. 227.24 (1) (c), subject to extension under s. 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), when promulgating emergency rules under this subsection, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.