

1993 Senate Bill 597

Date of enactment: April 21, 1994

Date of publication\*: May 5, 1994

# 1993 WISCONSIN ACT 413

AN ACT to amend 20.866 (2) (tc), 144.027 (4m) (a) and 144.027 (7) (a) and (b) of the statutes; and to affect 1993 Wisconsin Act 16, section 9142 (4), relating to: eligibility for and allocation of clean water fund financial hardship assistance, eligibility for and the amount of compensation for costs incurred because of private well contamination and granting bonding authority.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 20.866 (2) (tc) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

20.866 (2) (tc) *Clean water fund.* From the capital improvement fund, a sum sufficient to be transferred to the clean water fund for the purposes of ss. 144.241 and 144.2415. The state may contract public debt in an amount not to exceed ~~\$504,094,000~~ \$508,494,000 for this purpose. Of this amount, the amount needed to meet the requirements for state deposits under 33 USC 1382 is allocated for those deposits. Of this amount, \$8,250,000 is allocated to fund the minority business development and training program under s. 66.905 (2) (b).

**SECTION 1g.** 144.027 (4m) (a) of the statutes is amended to read:

144.027 (4m) (a) In order to be eligible for an award under this section, the annual family income of the landowner or lessee of property on which is located a contaminated water supply may not exceed ~~\$45,000~~ \$65,000.

**SECTION 1r.** 144.027 (7) (a) and (b) of the statutes are amended to read:

144.027 (7) (a) If the department finds that the claimant meets all the requirements of this section and rules promulgated under this section and that the private water supply is contaminated, the department shall issue an award. The award may not pay more than ~~60%~~ 75% of the eligible costs. The award may not pay any portion of eligible costs in excess of \$12,000.

(b) If the annual family income of the claimant exceeds ~~\$32,000~~ \$45,000, the amount of the award is the amount determined under par. (a) less 30% of the amount by which the claimant's income exceeds ~~\$32,000~~ \$45,000.

**SECTION 3.** 1993 Wisconsin Act 16, section 9142 (4) is amended to read:

[1993 Wisconsin Act 16] Section 9142 (4) CLEAN WATER FUND HARDSHIP ASSISTANCE. The treatment of section 144.241 (8) (g) and (13) (am) 3 and 4 of the statutes by this act does not apply to the planning, design or construction phase of any project on the 1993 or 1994 funding list established under section 144.241 (10) (c) or (e) of the statutes or to any project on the 1991 or 1992 funding list established under section 144.241 (10) (c) or (e) of the statutes for which the department of natural resources issued a commitment to provide financial assistance under section 144.241 (13) of the statutes for planning and design costs.

**SECTION 4. Nonstatutory provisions.** (1) Notwithstanding section 144.241 (13) (a) 1., (am) 1 and (d) of the statutes, a municipality qualifies for financial hardship assistance under section 144.241 (13) of the statutes during fiscal year 1994–95 if the municipality is replacing a mechanical wastewater treatment plant on which construction began before 1950, has not received a grant for construction modifications from the federal environmental protection agency or under section 144.21 of the statutes and has continuously been eligible, under section

144.025 (2) (c) of the statutes, to make sewer extensions since July 1, 1978.

(2) Notwithstanding section 144.241 (13) (b) of the statutes, in fiscal year 1994–95 the department of natural resources shall allocate clean water fund financial hardship assistance as follows:

(a) First to a municipality that qualifies for financial hardship assistance for the construction phase of a project that is on the 1994 funding list under section 144.241 (10) (c) of the statutes and that scores 70 or higher using the method established by rule under section 144.241 (10) (a) of the statutes if the municipality funded the planning and design phases of the project with its own funds and submitted a facility plan before October 1, 1992.

(b) Then to a municipality described in subsection (1) for a project on the funding list under section 144.241 (10) (c) of the statutes.

(3) Notwithstanding section 144.241 (8) (g) and (13) of the statutes, the department of natural resources and

the department of administration shall approve a 90% clean water fund hardship assistance grant during the 1993–95 biennium for a municipality for the construction costs of its project if the planning and design phases of the project appeared on the 1992 funding list established under section 144.241 (10) (c) of the statutes, the municipality received clean water fund hardship assistance for the planning and design phases of the project and the municipality proceeded to construct the project in fiscal year 1992–93 without a clean water fund hardship assistance grant. The limits under section 144.2415 (3) (d) 1. and (f) of the statutes may be exceeded by the amounts necessary to approve a grant under this subsection.

**SECTION 5. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 144.027 (4m) (a) and (7) (a) and (b) takes effect on July 1, 1995.

---