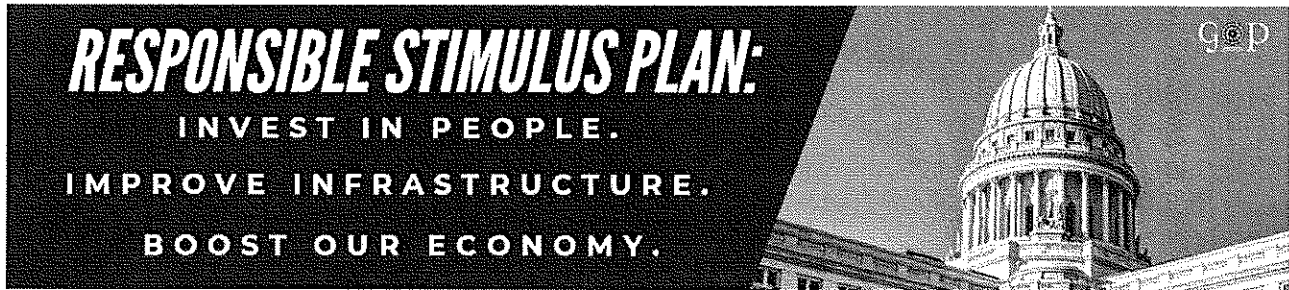




HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT



April 6, 2021

Assembly Committee on State Affairs

Testimony on Assembly Bills 232, 240, 241 and 243

Thank you Chair Swearingen and members of the committee for the opportunity to testify in favor of Assembly Bills (AB) 232, 240, 241 and 243. These bills are part of our Responsible Stimulus Plan and I appreciate the opportunity to support our efforts on behalf of the people of Wisconsin.

The Responsible Stimulus Plan reflects the legislature's priorities to invest in people, improve infrastructure and boost our economy as we recover from the COVID-19 pandemic. It is a thoughtful, thorough plan to work with the Governor to dedicate massive Federal investments from the American Rescue Plan Act (ARPA) into the things that matter most to the people we serve.

Both houses of the legislature have spent considerable time and effort to develop a real plan after listening and understanding the needs of our people, communities and industries. This plan provides relief and investment to all communities, of all sizes, statewide. Our plan puts money back into the hands of the people.

AB 232 provides relief to families statewide by returning 10% of their 2020 property taxes to them. This legislation will directly and immediately help our citizens who are working hard to recover and rebound from the COVID-19 pandemic.

AB 240 will fulfill the one-time funding for the actual building of the statewide interoperable communications system and the updates needed on existing systems. This public safety system is critical for our state and the unexpected federal aid Wisconsin is receiving through ARPA is the perfect opportunity to upgrade our critical emergency response and public safety infrastructure. The bill directs \$53.2M to upgrade WISCOM and ESInet infrastructure as well as GIS mapping to improve the accuracy of the systems and improve response times. The bill also directs a grant to northwest Wisconsin to expand mental health bed capacity and improve local law enforcement responses to mental health crises, which is a critical need in northern Wisconsin.

AB 241 directs the Governor to dedicate \$500 million of ARPA funding to repay debt or pay for necessary capital building projects. Many Americans have paid off debt with the stimulus funds from our Federal government. Wisconsin should follow their example.

AB 243 makes many strong investments in our water infrastructure and environmental protections. This bill solves the lead lateral problem once-and-for-all by committing \$40 million to replacing lead service lines on private properties. It also allocates \$18.5 million for nonpoint source programs, \$2 million for well compensation grants and another \$500,000 for well testing and public education. These are all strong priorities for Wisconsin's water and natural resources.

Again, please accept this testimony in support of legislation that will support the people of our state who are working to recover and move forward after the last unprecedented year in our history. I believe these bills will make a real difference.

I apologize that I was not able to attend in person due to a meeting of the Joint Committee on Finance (JFC). However, I appreciate the opportunity to testify in support of these bills.



JOEL KITCHENS

STATE REPRESENTATIVE • 1ST ASSEMBLY DISTRICT

Testimony for the Assembly Committee on State Affairs

Assembly Bill 243

Tuesday, April 6, 2021

Thank you Chairman Swearingen and committee members for holding a public hearing and giving me the opportunity to testify on Assembly Bill 243, legislation that earmarks close to \$60 million in federal funds from the American Rescue Plan Act to pay for several environment-related projects in Wisconsin.

As part of the relief bill signed by President Biden, roughly \$3.2 billion is being sent to our state to help us navigate through, and recover from the COVID-19 pandemic. Currently, Gov. Evers has sole discretion over how these funds are allocated. As a result, we are proposing AB 243 because, as a co-equal branch of government, we believe the Legislature should be able to provide input on where the federal dollars should be spent.

AB 243 sets aside \$61 million of the total \$3.2 billion to help fund initiatives that will provide better environmental protections in Wisconsin. Here is the list of how the \$61 million will be broken down:

- **\$40 million for lead service line replacement:**

The current Safe Drinking Water Loan Program, which is administered by the state departments of Administration and Natural Resources, provides low-interest loans and grants in the form of principal forgiveness to municipalities for drinking water infrastructure projects to help them comply with federal drinking water standards.

AB 243 designates \$40 million in ARPA funds for this program to provide principal forgiveness to municipalities to cover up to 50 percent of the cost of lead service line replacement on private property or to offer grants to private users of public water systems to cover up to 50 percent of the cost of lead service line replacement on private property.

- **\$12 million for the Urban Nonpoint Source Program:**

AB 243 requires the governor to allocate \$12 million for the DNR's program that provides financial assistance for projects that manage urban storm water and runoff.

- **\$6.5 million for the Rural Nonpoint Source Program:**

AB 243 devotes \$6.5 million to the DNR's program that provide financial assistance for undertakings that control pollution that comes from diffuse sources – rather than from a single

concentrated discharge of pollution – in areas that qualify as high priority due to water quality issues.

- **\$2 million for the Well Compensation Grant Program:**

Under our existing Well Compensation Grant Program, certain individual owners or renters of particular contaminated private wells may apply for a grant from the DNR to cover a portion of the costs to treat the water, reconstruct the well, construct a new well, connect to a public water supply or fill and seal the well.

AB 243 adds \$2 million in ARPA funds to this program.

- **\$500,000 for grants for well testing and public education:**

The legislation requires the DNR to create and administer a program to provide grants to counties to either:

- Test and map privately owned wells to assess groundwater quality and to determine the extent and type of any contamination and study and map geologic characteristics and well construction practices in the county to determine any correlation between water quality, geology and well construction; or
- If a county has completed this type of study, to notify the public of the results of the study and to notify private well owners whose wells may be contaminated based on the results of the completed study.

Under the bill, the DNR may not provide more than \$10,000 to any single county for testing and study under the first type of grant, or more than \$2,500 per county for notifications under the second type of grant.

Counties may apply for a grant individually or as a group. The bill requires a county that receives a grant under this program to provide an equal amount of matching funds. The county must also share the results of its testing with the Center for Watershed Science and Education, but does not have to include any personally identifiable information with the submitted results.

Thank you for taking the time to listen to my testimony and I hope you will consider supporting this bill. I would also like to thank Sen. Cowles and all other legislators who took the time to help draft AB 243. I would be happy to answer any questions if you have them.

STANDING COMMITTEES:

Natural Resources & Energy, Chair
Transportation & Local Government, Vice-Chair

ROBERT L. COWLES

Wisconsin State Senator
2nd Senate District

JOINT COMMITTEES:
Audit Committee, Co-Chair

Testimony on 2021 Assembly Bill 243

Senator Robert Cowles
Assembly Committee on State Affairs
April 6th, 2021

Thank you, Chairman Swearingen and Committee Members, for allowing me to testify on 2021 Assembly Bill 243. This bill would use \$61 million in one-time federal funding from the American Rescue Plan for the purposes of water infrastructure upgrades and water quality improvements.

As part of the Legislature's Responsible Stimulus Plan, we're looking to work with the Governor to accelerate our state's recovery and prioritize funds to those hardest hit by the pandemic. Assembly Bill 243 represents strong consensus provisions related to water with items that were represented in the Governor's budget proposal. These efforts also further efforts that were made in the previous legislative session, including through the 2019-21 State Budget, and recognize Congress' intent in the importance of making investments in water infrastructure and water quality as a means of building employment, sustaining and growing our economy, and providing a unique opportunity to address this vital issue.

First, AB 243 invests \$40 million to provide principal forgiveness to municipalities to cover up to 50% of the costs of lead service line (LSL) replacements on private property or for those municipalities to provide grants to the water utility customer to cover up to 50% of the costs of the LSL replacement. This funding would flow through the existing Safe Drinking Water Loan Program at the Department of Natural Resources (DNR). To date, Public Service Commission of Wisconsin data shows 153,177 customer-side LSLs that have been inventoried in more than 120 water utilities, and even more LSLs inevitably haven't been inventoried yet. With the cost of an LSL replacement anywhere between \$3,000 and \$8,000, this funding could help lead to the replacement of between 10,000 and 30,000 LSLs across Wisconsin. At a time where public health is at the forefront, replacing more customer-side LSLs in Wisconsin will help to promote the health, well-being, and development of more Wisconsin children.

Second, AB 243 builds on the existing Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Program – Urban Nonpoint Program for short – by providing \$12 million in funding. The Urban Nonpoint Program offers competitive grants to local governments for the control of pollution from diffuse urban sources carried by stormwater. This reimbursement can help with everything from education to changing street sweeping practices to stormwater and erosion plan design to urban detention system construction. In recent years, 34 different counties have seen at least one, if not more projects funded, with each project supporting both local government efforts and regional water quality.

Third, AB 243 grows the Rural Nonpoint Source Program by \$6.5 million to help fund the implementation of more best management practices (BMPs) in rural Wisconsin, particularly on farmland. The Rural Nonpoint Source Program funds projects in targeted areas of the state, such as areas with a Total Maximum Daily Load (TMDL) or that are a 303d listed impaired waterway, which cannot be funded through the available funds in the Department of Agriculture, Trade and Consumer Protection's Soil and Water Resource Management Program.

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These projects are generally in-line with the land and water goals laid-out by county conservation departments, with projects lasting up to three or four years being completed by units of government or certain farmers. In recent years, grant funding has been used to fund nearly twenty different best management practices – such as cover crops, feed storage leachate controls, and streambank protections – and in the process, support Wisconsin's farmers and rural communities.

Fourth, AB 243 provides a one-time surge in funding to the Well Compensation Grant Program at the DNR. The Well Compensation Grant Program provides funding for low-income households who need to either replace, reconstruct, or treat a contaminated well on their property. In Wisconsin, roughly 40% of households rely on private wells as a primary source of drinking water. However, in many areas of the state residents of Wisconsin are unable to use their wells due to contamination from nitrates, chemicals, arsenic, bacteria, and various other sources. This additional funding will support improved health in our rural communities among low income households, many of which have been hurt by the lingering effects of the pandemic and resulting economic instability. By utilizing funds from the American Rescue Plan, Wisconsin can increase the number of households who would not otherwise be able to access clean water to cook, clean, bathe, and drink. Using recent DNR estimates, \$2 million in additional funds could provide cost-sharing for more than 400 well owners. While I believe further improvement and reform is needed in the Well Compensation Grant Program, increased funding is a significant and simple step to offer some of our most disadvantaged immediate relief in ensuring the most basic of needs: cleaner water.

Fifth and finally, AB 243 creates the statutory structure for and funds grants for well testing and public education efforts. While the funding provided in this effort is less than the other items in this legislation, its importance cannot be understated. This program will give Wisconsin the necessary roadmap to map and study groundwater contamination around the state and determine correlations between well construction, water quality, geology, and other factors to assess water quality and provide the results to well owners whose wells may be contaminated, but also to provide this data as a resource to the Center for Watershed Science and Education for further study and analysis that they would not have otherwise had. It is my hope that this funding can spur action by local governments, non-profits and nongovernmental actors, and homeowners to help educate citizens about the effects and dangers of contaminated water to our environment and our health.

Assembly Bill 243 is a keystone of Legislature's Responsible Stimulus Plan, recognizing the importance that our state's water infrastructure can have on public health, our economy and home values, and our state's environment. I view the items in this legislation to be entirely in line with the American Rescue Plan and potentially one of the only opportunities Wisconsin may have to make such large and vital investments in water infrastructure. It's my hope that with your support that the Legislature can pass Assembly Bill 243 and I hope that Governor Evers' can sign this legislation to take advantage of such a unique and needed opportunity to provide Wisconsinites from around the state with clean drinking water.