



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3991/1
ZDW:kjf

2017 ASSEMBLY BILL 686

November 29, 2017 - Introduced by Representatives SHANKLAND, BERCEAU, CROWLEY, DOYLE, FIELDS, GENRICH, HEBL, HESSELBEIN, KOLSTE, KRUG, NOVAK, OHNSTAD, POPE, SARGENT, SPREITZER, SUBECK and ZEPNICK, cosponsored by Senators JOHNSON, L. TAYLOR, TESTIN and VINEHOUT. Referred to Committee on Environment and Forestry.

1 **AN ACT to repeal** 281.75 (9) (a); **to renumber and amend** 20.370 (6) (cr) and
2 281.75 (9) (b); **to amend** 281.75 (4m) (a), 281.75 (5) (f), 281.75 (7) (a) and 281.75
3 (7) (b); and **to create** 20.370 (6) (cc) and 281.74 of the statutes; **relating to:**
4 testing of private wells, compensation for well contamination and
5 abandonment, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to administer a program to provide grants to cities, villages, towns, and counties for the testing of privately owned wells. The bill also makes changes to the well compensation grant program currently administered by DNR.

Under current law, an individual owner or renter of a contaminated private well may apply for a grant from 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. To be eligible for a grant the well owner or renter's annual family income may not exceed \$65,000. A grant awarded under the program may not exceed 75 percent of a project's eligible costs and may not cover any part of a project's eligible costs that exceeds \$12,000. In addition, if the well owner or renter's annual family income exceeds \$45,000, the amount of the award is reduced by 30 percent of the amount by which the annual family income exceeds \$45,000.

The bill increases the family income limit to \$100,000 and increases the grant award limit to 75 percent of no more than \$16,000 of the project's eligible costs. The

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bill also increases the amount of annual family income that triggers a reduction of an award to \$65,000.

Under current law, a well that is contaminated only by nitrates is eligible for a grant only if the well is a water supply for livestock, is used at least three months in each year, and contains nitrates in excess of 40 parts per million. The bill eliminates the requirement that the well be used for livestock.

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:

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2017-18 2018-19

3 **20.370 Natural resources, department of**

4 (6) ENVIRONMENTAL AIDS

5 (cc) Environmental aids — testing of

6 privately owned wells GPR C 100,000 100,000

7 **SECTION 2.** 20.370 (6) (cc) of the statutes is created to read:

8 20.370 (6) (cc) *Environmental aids — testing of privately owned wells.* As a
9 continuing appropriation, the amounts in the schedule to pay for the testing of
10 privately owned wells under s. 281.74.

11 **SECTION 3.** 20.370 (6) (cr) of the statutes is renumbered 20.370 (6) (cb) and
12 amended to read:

13 20.370 (6) (cb) *Environmental aids — compensation for well contamination*
14 *and abandonment.* As a continuing appropriation, ~~from the environmental fund,~~ the
15 amounts in the schedule to pay compensation under s. 281.75.

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

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1 **281.74 Testing of privately owned wells.** (1) The department shall
2 administer a program to provide grants to cities, villages, towns, and counties for the
3 testing of privately owned wells.

4 (2) A city, village, town, or county receiving a grant under sub. (1) shall notify
5 residents of the availability of funds to pay for testing of privately owned wells.

6 (3) The department shall promulgate rules establishing application
7 procedures, eligible costs, and maximum grant awards under this section.

8 **SECTION 5.** 281.75 (4m) (a) of the statutes is amended to read:

9 281.75 (4m) (a) In order to be eligible for an award under this section, the
10 annual family income of the landowner or lessee of property on which is located a
11 contaminated water supply or a well subject to abandonment may not exceed ~~\$65,000~~
12 \$100,000.

13 **SECTION 6.** 281.75 (5) (f) of the statutes is amended to read:

14 281.75 (5) (f) The department shall allocate money for the payment of claims
15 according to the order in which completed claims are received. The department may
16 conditionally approve a completed claim even if the appropriation under s. 20.370 (6)
17 ~~(er)~~ (cb) is insufficient to pay the claim. The department shall allocate money for the
18 payment of a claim which is conditionally approved as soon as funds become
19 available.

20 **SECTION 7.** 281.75 (7) (a) of the statutes is amended to read:

21 281.75 (7) (a) If the department finds that the claimant meets all the
22 requirements of this section and rules promulgated under this section and that the
23 private water supply is contaminated or that the well is a well subject to
24 abandonment, the department shall issue an award. The award may not pay more

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1 than 75 percent of the eligible costs. The award may not pay any portion of eligible
2 costs in excess of \$12,000 \$16,000.

3 **SECTION 8.** 281.75 (7) (b) of the statutes is amended to read:

4 281.75 (7) (b) If the annual family income of the claimant exceeds \$45,000
5 \$65,000, the amount of the award is the amount determined under par. (a) less 30
6 percent of the amount by which the claimant's income exceeds \$45,000 \$65,000.

7 **SECTION 9.** 281.75 (9) (a) of the statutes is repealed.

8 **SECTION 10.** 281.75 (9) (b) of the statutes is renumbered 281.75 (9) and
9 amended to read:

10 281.75 (9) CONTAMINATION STANDARD; NITRATES. Notwithstanding the
11 requirement of contamination under sub. (7), if a private water supply ~~meets the~~
12 criteria under par. (a) and is used at least 3 months each year and the claim is based
13 upon contamination by nitrates and not by any other substance, the department may
14 make an award only if the private water supply produces water containing nitrates
15 in excess of 40 parts per million expressed as nitrate-nitrogen.

16 **SECTION 11. Fiscal changes.**

17 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
18 to the department of natural resources under section 20.370 (6) (cb) of the statutes,
19 the dollar amount for fiscal year 2017-18 is increased by \$800,000 to pay
20 compensation for well contamination and abandonment. In the schedule under
21 section 20.005 (3) of the statutes for the appropriation to the department of natural
22 resources under section 20.370 (6) (cb) of the statutes, the dollar amount for fiscal
23 year 2018-19 is increased by \$800,000 to pay compensation for well contamination
24 and abandonment.

