



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1719/1
ZDW:skw

2023 ASSEMBLY BILL 64

February 23, 2023 - Introduced by Representatives KITCHENS, NOVAK, SHANKLAND, KRUG, C. ANDERSON, J. ANDERSON, ANDRACA, ARMSTRONG, BALDEH, BEHNKE, CONSIDINE, DONOVAN, EMERSON, GREEN, JOERS, KNODL, MOSES, MURSAU, OLDENBURG, PETRYK, PLUMER, ROZAR, SNODGRASS, SNYDER, SPIROS, SUBECK and O'CONNOR, cosponsored by Senators COWLES, TESTIN, BALLWEG, CABRAL-GUEVARA, PFAFF, ROYS and SPREITZER. Referred to Committee on Agriculture.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to repeal** 281.75 (2) (e), 281.75 (9) (a) and 281.75 (11) (ae); **to renumber**
2 **and amend** 281.75 (5) (f) and 281.75 (9) (b); **to amend** 281.75 (7) (c) 7., 281.75
3 (11) (a) 8. and 281.75 (11m); and **to create** 281.75 (2) (g), 281.75 (5) (f) 2., 281.75
4 (7) (d) and 281.75 (9) (am), (bm), (c) and (d) of the statutes; **relating to:** nitrate
5 contamination and the well compensation grant program.

Analysis by the Legislative Reference Bureau

This bill expands eligibility for nitrate-contaminated wells under the well compensation grant program administered by the Department of Natural Resources.

Under current law, an individual owner or renter of a contaminated private well, subject to eligibility requirements, 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.

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 to provide more than 100 gallons of water per day for consumption by livestock, and contains nitrates in excess of 40 parts per million. Under the bill, the only eligibility requirement for a well that is contaminated only by nitrates is that the well is used at least three months in each year.

Current law requires DNR to allocate money for payments of claims under the program according to the order in which claims are received. The bill retains this

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requirement but provides that, among claims for contamination only by nitrates, DNR must allocate payments according to a specified priority ranking.

Also under current law, a residential well that is contaminated only by bacteria is not eligible for a grant unless the well is in an area that is contaminated by fecal bacteria and the contamination is caused by livestock. The bill eliminates this restriction.

The bill also requires DNR to award grants for the remediation method that is most effective for the health and welfare of the claimant. Finally, the bill requires DNR to report to the Joint Committee on Finance after the end of each fiscal year on the number of applicants under the well compensation program and the number and amounts of grants provided during that fiscal year.

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.** 281.75 (2) (e) of the statutes is repealed.

2 **SECTION 2.** 281.75 (2) (g) of the statutes is created to read:

3 281.75 (2) (g) Submit a report to the joint committee on finance after the end
4 of each fiscal year that includes the number of claims submitted and the number and
5 amounts of awards provided under this section during that fiscal year.

6 **SECTION 3.** 281.75 (5) (f) of the statutes is renumbered 281.75 (5) (f) 1. and
7 amended to read:

8 281.75 (5) (f) 1. The Subject to subd. 2., the department shall allocate money
9 for the payment of claims according to the order in which completed claims are
10 received. The department may conditionally approve a completed claim even if the
11 appropriation under s. 20.370 (6) (cr) is insufficient to pay the claim. The department
12 shall allocate money for the payment of a claim which is conditionally approved as
13 soon as funds become available.

14 **SECTION 4.** 281.75 (5) (f) 2. of the statutes is created to read:

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1 281.75 (5) (f) 2. For claims of contamination by nitrates and not by any other
2 substance, the department shall allocate money for the payment of those collective
3 claims as provided under subd. 1. but shall allocate money for the payment of
4 individual claims according to the priority order established under sub. (9). The
5 department shall determine the method for allocating money for the payment of
6 those claims in the manner that most effectively accomplishes the requirements of
7 this paragraph and sub. (9).

8 **SECTION 5.** 281.75 (7) (c) 7. of the statutes is amended to read:

9 281.75 (7) (c) 7. If the claim is based on a ~~contaminated~~ water supply that is
10 eligible under sub. (11) ~~(ae)~~ contaminated by bacteria, the cost of properly
11 abandoning any improperly abandoned private water supply located on the property
12 owned or leased by the claimant.

13 **SECTION 6.** 281.75 (7) (d) of the statutes is created to read:

14 281.75 (7) (d) The department may issue an award only for the eligible cost
15 under this subsection that the department determines is the remediation method
16 that is most effective for the health and welfare of the claimant.

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

18 **SECTION 8.** 281.75 (9) (am), (bm), (c) and (d) of the statutes are created to read:

19 281.75 (9) (am) Water containing nitrates in excess of 40 parts per million
20 expressed as nitrate-nitrogen.

21 (bm) Water containing nitrates in excess of 30 parts per million expressed as
22 nitrate-nitrogen.

23 (c) Water containing nitrates in excess of 25 parts per million expressed as
24 nitrate-nitrogen.

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1 (d) Water containing nitrates at no fewer than 10 parts per million and not in
2 excess of 25 parts per million expressed as nitrate-nitrogen. Notwithstanding sub.
3 (11) (b) 2., for awards under this paragraph, the department shall emphasize the use
4 of reverse osmosis or similar methods prior to well remediation methods if the
5 department determines reverse osmosis or similar methods are the most effective
6 option for the health and welfare of the claimant.

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

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

16 **SECTION 10.** 281.75 (11) (a) 8. of the statutes is amended to read:

17 281.75 (11) (a) 8. If the claim is based on a contaminated private water supply,
18 the contaminated private water supply is a residential water supply, that is
19 contaminated only by bacteria ~~or nitrates or both~~, and is not contaminated by any
20 other substance, ~~except as provided in par. (ae)~~ and the contamination does not pose
21 a risk to human health.

22 **SECTION 11.** 281.75 (11) (ae) of the statutes is repealed.

23 **SECTION 12.** 281.75 (11m) of the statutes is amended to read:

24 281.75 (11m) ABANDONMENT OF CERTAIN PRIVATE WATER SUPPLIES. If the
25 department determines that there is an improperly abandoned private water supply

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1 located on property owned or leased by a claimant with a ~~contaminated~~ private water
2 supply that is ~~eligible under sub. (11) (a)~~ contaminated by bacteria, the department
3 may issue an award only if the claimant properly abandons the improperly
4 abandoned private water supply.

5 (END)