



State of Wisconsin
2011 – 2012 LEGISLATURE



LRBs0170/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 201**

November 22, 2011 – Offered by Representative A. OTT.

1 **AN ACT** *to renumber* 280.13 (6); *to renumber and amend* 280.15 (2m) (b) and
2 280.15 (3g) (b); *to amend* 280.13 (1) (a), 280.13 (2) (d), 280.15 (title), 280.15 (1)
3 (a) (intro.), 280.15 (1) (am), 280.15 (1) (b), 280.15 (3r) (a), 280.15 (4), 280.98 (2),
4 443.14 (12m) and 470.025 (9); *to repeal and recreate* chapter 280 (title); and
5 *to create* 280.01 (1m), 280.01 (2c), 280.13 (1) (cm) and 280.13 (6) (b) of the
6 statutes; **relating to:** regulation of persons engaged in the construction of heat
7 exchange drillholes.

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

8 **SECTION 1.** Chapter 280 (title) of the statutes is repealed and recreated to read:

9 **CHAPTER 280**
10 **WELL DRILLING, PUMP INSTALLING,**
11 **AND DRILLHOLE CONSTRUCTION**

1 **SECTION 2.** 280.01 (1m) of the statutes is created to read:

2 280.01 **(1m)** “Drillhole construction” means the industry and procedure
3 employed in making heat exchange drillholes for the purpose of closed loop heat
4 exchange.

5 **SECTION 3.** 280.01 (2c) of the statutes is created to read:

6 280.01 **(2c)** “Heat exchange drillhole” means an excavation or opening that is
7 deeper than it is wide, that extends more than 25 feet below the ground surface.

8 **SECTION 4.** 280.13 (1) (a) of the statutes is amended to read:

9 280.13 **(1)** (a) Employ a competent supervisor to supervise and inspect all well
10 drilling ~~and~~, pump installing, and drillhole construction operations and aid in the
11 enforcement of all laws and rules governing the well drilling ~~and~~, pump installing,
12 and drillhole construction industries. The department may also employ assistants,
13 prescribe their respective qualifications and salaries and assign their duties.

14 **SECTION 5.** 280.13 (1) (cm) of the statutes is created to read:

15 280.13 **(1)** (cm) Inspect at reasonable hours heat exchange drillholes and
16 equipment relating to the construction of heat exchange drillholes on private or
17 public property and order necessary corrections and repairs relating to that
18 construction.

19 **SECTION 6.** 280.13 (2) (d) of the statutes is amended to read:

20 280.13 **(2)** (d) Been found guilty in any civil or criminal proceeding of any action
21 constituting fraud in connection with the well driller’s or pump installer’s well
22 drilling ~~or~~, drillhole construction, or pump installing operations.

23 **SECTION 7.** 280.13 (6) of the statutes is renumbered 280.13 (6) (a).

24 **SECTION 8.** 280.13 (6) (b) of the statutes is created to read:

1 280.13 **(6)** (b) No individual whose well driller’s license has been revoked under
2 this section may, during the period in which the revocation is effective, engage in any
3 drillhole construction activity except under the direct supervision of a licensed well
4 driller and as an employee of a licensed well driller or a registered well drilling
5 business.

6 **SECTION 9.** 280.15 (title) of the statutes is amended to read:

7 **280.15 (title) Well drilling and, pump installing, and drillhole**
8 **construction; registration; licensing; qualifications; fee.**

9 **SECTION 10.** 280.15 (1) (a) (intro.) of the statutes is amended to read:

10 280.15 **(1)** (a) *Registration requirement.* (intro.) No person may engage in the
11 business of well drilling or ~~pump installing~~ drillhole construction in this state unless
12 the person obtains registration under this paragraph as a well drilling business ~~or~~
13 and no person may engage in the business of pump installing in this state unless the
14 person obtains registration under this paragraph as a pump installing business,
15 except as follows:

16 **SECTION 11.** 280.15 (1) (am) of the statutes is amended to read:

17 280.15 **(1)** (am) *Prerequisite.* The department may not grant registration under
18 par. (a) to a person to engage in the business of well drilling or to engage in the
19 business of drillhole construction unless the person is a licensed well driller, a
20 licensed well driller has an ownership interest in the business, or the person employs
21 or contracts with a licensed well driller. The department may not grant registration
22 under par. (a) to a person to engage in the business of pump installing unless the
23 person is a licensed pump installer, a licensed pump installer has an ownership
24 interest in the business, or the person employs or contracts with a licensed pump
25 installer.

1 **SECTION 12.** 280.15 (1) (b) of the statutes is amended to read:

2 280.15 **(1)** (b) *Application.* A person who seeks to register a well drilling
3 business or pump installing business shall apply to the department for registration
4 of each place of business or retail outlet he or she operates as a well drilling business,
5 pump installing business, or drillhole construction business or both any combination
6 of those businesses, upon forms prepared by the department for this purpose. The
7 application shall be accompanied by a registration fee for each place of business or
8 retail outlet included in the application.

9 **SECTION 13.** 280.15 (2m) (b) of the statutes is renumbered 280.15 (2m) (b)
10 (intro.) and amended to read:

11 280.15 **(2m)** (b) *Renewal.* (intro.) In order to retain his or her license as a well
12 driller or pump installer an individual shall ~~comply~~ do all of the following:

13 1. Comply with requirements for continuing education promulgated by the
14 department by rule ~~and shall apply.~~ The continuing education requirements
15 promulgated by the department under this subdivision shall require an individual
16 who engages in drillhole construction to have training, as specified by the
17 department, both in drilling wells and in drillhole construction.

18 2. Apply for license renewal and pay the required license fees under par. (c)
19 annually on or before January 1.

20 **SECTION 14.** 280.15 (3g) (b) of the statutes is renumbered 280.15 (3g) (b) (intro.)
21 and amended to read:

22 280.15 **(3g)** (b) *Renewal.* (intro.) In order to retain registration as a drilling
23 rig operator an individual shall ~~complete~~ do all of the following:

24 1. Complete training approved by the department ~~and comply.~~

1 2. Comply with requirements for continuing education promulgated by the
2 department by rule ~~and shall apply.~~ The continuing education requirements
3 promulgated by the department under this subdivision shall require an individual
4 who operates a drilling rig with regard to drillhole construction to have training, as
5 specified by the department, in drilling rig operation both with regard to drilling
6 wells and with regard to drillhole construction.

7 3. Apply for registration renewal and pay a fee of \$25 annually on or before
8 January 1.

9 **SECTION 15.** 280.15 (3r) (a) of the statutes is amended to read:

10 280.15 **(3r)** (a) *Requirement.* Except as provided in par. (b) and sub. (4), an
11 individual who is not a licensed well driller or a registered drilling rig operator may
12 ~~only~~ engage in well drilling or drillhole construction only if the individual is under
13 the supervision of a licensed well driller or a registered drilling rig operator who is
14 on the site of the well drilling or drillhole construction.

15 **SECTION 16.** 280.15 (4) of the statutes is amended to read:

16 280.15 **(4)** **WORK ON OWN REAL ESTATE.** No person is required to obtain a
17 registration or license under this section for driving, digging or otherwise obtaining
18 groundwater supply on real estate owned or leased by that person, but the well and
19 the work done on the well shall comply with the law and the rules promulgated by
20 the department. No person is required to obtain a registration or license under this
21 section for drillhole construction on real estate owned or leased by that person.

22 **SECTION 17.** 280.98 (2) of the statutes is amended to read:

23 280.98 **(2)** The department shall promulgate rules that specify violations of
24 rules under this chapter relating to licensing; registration; disinfection, sampling,

1 and reporting requirements; water systems that were installed before February 1,
2 1991; and well or ~~drill~~ bore hole abandonment to which sub. (1) applies.

3 **SECTION 18.** 443.14 (12m) of the statutes is amended to read:

4 443.14 **(12m)** A well driller who is licensed under s. 280.15 (2m), or an employee
5 of a well drilling business that is registered under s. 280.15 (1), who is engaged in well
6 drilling, as defined in s. 280.01 (8), or drillhole construction, as defined in s. 280.01
7 (1m).

8 **SECTION 19.** 470.025 (9) of the statutes is amended to read:

9 470.025 **(9)** A well driller who is licensed under s. 280.15 (2m), or an employee
10 of a well drilling business that is registered under s. 280.15 (1), who is engaged in well
11 drilling, as defined in s. 280.01 (8), or drillhole construction, as defined in s. 280.01
12 (1m).

13 **SECTION 20. Effective date.**

14 (1) This act takes effect on the first day of the 8th month beginning after
15 publication.

16 (END)