

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB201)

Received: 08/25/2011

Received By: rkite

Wanted: As time permits

Companion to LRB:

For: Alvin Ott (608) 266-5831

By/Representing: Erin Ruby

May Contact:

Drafter: rkite

Subject: Environment - water quality
Environment - other

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Ott@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Revise definition of "well" and requirements for licenses to drill wells

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rkite 09/02/2011	wjackson 09/12/2011	phenry 09/12/2011	_____	lparisi 09/12/2011		
/P2	rkite 10/11/2011	wjackson 10/21/2011	rschlue 10/24/2011	_____	sbasford 10/24/2011		
/P3	rkite 11/17/2011	wjackson 11/17/2011	phenry 11/18/2011	_____	sbasford 11/18/2011		
/1	rkite	jdye	rschlue	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/18/2011	11/22/2011	11/22/2011	_____	11/22/2011	11/22/2011	

FE Sent For:

<END>

12-05-2011
("1")
see attached

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/?		1 11/21/11 JLD					
/P1	rkite 09/02/2011	wjackson 09/12/2011	phenry 09/12/2011	_____	lparisi 09/12/2011		
/P2	rkite 10/11/2011	wjackson 10/21/2011	rschluet 10/24/2011	_____	sbasford 10/24/2011		
/P3	rkite 11/17/2011	wjackson 11/17/2011	phenry 11/18/2011	_____	sbasford 11/18/2011		

11/22/11

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/P2	rkite 10/11/2011	wjackson 10/21/2011	rschluet 10/24/2011	_____	sbasford 10/24/2011		

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/p3 WLj 11/17

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2011 DRAFTING REQUEST

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Received By: rkite

Wanted: As time permits

Companion to LRB:

For: Alvin Ott (608) 266-5831

By/Representing: Erin Ruby

May Contact:

Drafter: rkite

Subject: Environment - water quality
Environment - other

Addl. Drafters:

Extra Copies:

Submit via email: YES

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/P1	rkite 09/02/2011	wjackson 09/12/2011	phenry 09/12/2011	_____	lparisi 09/12/2011		

FE Sent For:

p2 wly 10/21

10/21/11

pk
10/24
END>

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB201)

Received: 08/25/2011

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Alvin Ott (608) 266-5831**

By/Representing: **Erin Ruby**

May Contact:

Drafter: **rkite**

Subject: **Environment - water quality**
Environment - other

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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Carbon copy (CC:) to:

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/?	rkite						
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FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0170/De

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WLj

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RM run
PI

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2011 ASSEMBLY BILL 201

D-N

In 9/2

Gen Cat

1 AN ACT ...; relating to: regulation of persons engaged in the industry and of
2 the procedure for making heat exchange drillholes for the purpose of closed loop heat
3 exchange.

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

4 SECTION 1. 280.01 (2c) of the statutes is created to read:

5 280.01 (2c) "Heat exchange drillhole" means an excavation or opening that is
6 deeper than it is wide, that extends more than 25 feet below the ground surface, and
7 that is made for the purpose of closed loop heat exchange.

****NOTE: Please note that I have removed the reference to a "driven point well" from this definition because the definition of "well" under this draft will include a "heat exchange drillhole". If I use the term "well" in this definition, then the definitions will be circular.

8 SECTION 2. 280.01 (6) of the statutes is renumbered 280.01 (6) (intro.) and
9 amended to read:

INS.
1-4

SP

(intro.)

1 280.01 (6) ^(intro.) "Well" means ~~an~~ any of the following:

2 (a) An excavation or opening into the ground made by digging, boring, drilling,
3 driving or other methods for the purpose of obtaining groundwater for human
4 consumption.

5 History: 1983 a. 189; 1995 a. 227 s. 938; Stats. 1995 s. 280.01; 2005 a. 360.

5 SECTION 3. 280.01 (6) (b) of the statutes is created to read:

6 280.01 (6) (b) A heat exchange drillhole.

7 SECTION 4. 280.01 (8) of the statutes is renumbered 280.01 (8) (intro.) and
8 amended to read:

9 280.01 (8) ^(intro.) "Well drilling" means the industry and procedure employed in
10 ~~obtaining groundwater from a well by digging, boring, drilling, driving or other~~
11 ~~methods but not including the driving of points for the purpose of obtaining ground~~
12 ~~water. It shall also include doing any of the following including~~ all construction work
13 and installation of well casings ^{SA} ~~in said well involved therein~~ for the protection of such
14 well water against pollution. ;

15 History: 1983 a. 189; 1995 a. 227 s. 938; Stats. 1995 s. 280.01; 2005 a. 360.

15 SECTION 5. 280.01 (8) (a) of the statutes is created to read:

16 280.01 (8) (a) Obtaining groundwater from a well by digging, boring, drilling,
17 driving or other methods but not including the driving of points for the purpose of
18 obtaining ground water.

19 SECTION 6. 280.01 (8) (b) of the statutes is created to read:

20 280.01 (8) (b) Making a heat exchange drillhole.

21 (END)

INS.
2-20



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2058/2
RNK:sbb&nwn:jf

2011 ASSEMBLY BILL 201

July 19, 2011 - Introduced by Representatives A. OTT, BROOKS, CLARK, PETRYK and SPANBAUER, cosponsored by Senators KEDZIE, OLSEN and TAYLOR. Referred to Committee on Natural Resources.

1 AN ACT *to renumber and amend* 280.15 (2m) (b), 280.15 (3g) (b) and 280.17;
2 *to amend* 280.01 (6) and 280.01 (8); and *to repeal and recreate* chapter 280
3 (title) of the statutes; **relating to:** regulation of geothermal well drillers and
4 granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) regulates, and issues business registrations and individual licenses for, well drillers. DNR requires well drilling businesses to be registered, and individual well drillers to be licensed, in order to engage in certain ground excavation activities that are undertaken for the purpose of obtaining groundwater for human consumption.

This bill expands the current law regulating well drillers so that it also applies to businesses and individuals who engage in certain ground excavation activities undertaken for the purpose of a geothermal heat exchange system.

For further information see the **state** 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:

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5
1-4

SECTION # Chapter 280 (title) of the statutes is repealed and recreated to read:



CHAPTER 280

WELL DRILLING AND PUMP INSTALLING

SECTION 2. ~~280.01 (6)~~ of the statutes is amended to read:

280.01 (6) "Well" means an a drillhole or other excavation or opening into the ground made by digging, boring, drilling, driving or other methods that is deeper than it is wide, that extends more than 10 feet below the ground surface, and that is constructed for the purpose of obtaining groundwater for human consumption or that is constructed as part of a geothermal heat exchange system.

SECTION 3. 280.01 (8) of the statutes is amended to read:

280.01 (8) "Well drilling" means the industry and procedure employed in obtaining groundwater from a well, or in constructing a well for the purpose of a geothermal heat exchange system, by digging, boring, drilling, driving, or other methods but not including the driving of points for the purpose of obtaining groundwater. It shall also include "Well drilling" includes all construction work and installation of well casings in said well involved therein for the protection of such well water against pollution.

SECTION ~~4~~ 280.15 (2m) (b) of the statutes is renumbered 280.15 (2m) (b) (intro.) and amended to read:

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

1. Comply with requirements for continuing education promulgated by the department by rule and shall apply. The continuing education requirements promulgated by the department under this subdivision shall require an individual who engages in well drilling for the purpose of ~~obtaining geothermal energy~~ to have training, as specified by the department, both in drilling wells for obtaining

making a heat exchange drillhole

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ASSEMBLY BILL 201

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2-20
continued

1 groundwater and in drilling wells for the purpose of a geothermal heat exchange
2 system. making a heat exchange drillhole

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

5 SECTION ~~#~~ 280.15 (3g) (b) of the statutes is renumbered 280.15 (3g) (b) (intro.)
6 and amended to read:

7 280.15 (3g) (b) *Renewal.* (intro.) In order to retain registration as a drilling
8 rig operator an individual shall ~~complete~~ do all of the following:

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

10 2. Comply with requirements for continuing education promulgated by the
11 department by rule and ~~shall apply.~~ The continuing education requirements
12 promulgated by the department under this subdivision shall require an individual
13 who operates a drilling rig with regard to drilling wells for the purpose of a

14 geothermal heat exchange system to have training, as specified by the department,
15 in drilling rig operation both with regard to drilling wells for obtaining groundwater
16 and with regard to drilling wells for the purpose of a geothermal heat exchange
17 system.

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

20 SECTION ~~#~~ 280.17 of the statutes is renumbered 280.17 (intro.) and amended
21 to read:

22 **280.17 Exceptions.** (intro.) The provisions of this chapter ~~shall~~ do not apply
23 to the construction of wells where the water is used only a well if all of the following
24 apply:

making a heat exchange drillhole

Use
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ASSEMBLY BILL 201

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continued

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(1) The well is used only to obtain groundwater for stock watering and other similar or for a domestic purposes and purpose similar to stock watering.

(2) The well is not used to obtain groundwater for human consumption.

SECTION ~~#~~ Effective date.

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

(END)

END INSERT 2-20

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0170/P1dn
RNK:wj:ph

September 12, 2011

This amendment draft, among other things, amends the definition of the term "well" in s. 280.01 (6), stats., so that a well includes a heat exchange drillhole. Under s. 59.70 (6) in current law, a county may enact a well construction ordinance. Please note that the inclusion of a heat exchange drillhole in the definition of the term "well" in ch. 280 means that, under this draft, if a county enacts a well construction ordinance under s. 59.70 (6), such an ordinance would cover the construction of a heat exchange drillhole. Is this consistent with your intent?

Please also review ss. 443.14 (12m) and 470.025 (9) in current law to ensure that the cross-references in those provisions to the definition of "well drilling," as amended in this draft, are consistent with your intent.

Please feel free to contact me if you have any questions with regard to this amendment draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

9/15

(262) 378-9276

Tel. conf w/ Jeff Beuinger ~~(414) 331-2059~~
DNR does not want to change definition of
"well"

decided to "add in" the concept of constructing
a drillhole each place in statutes
where this is appropriate

e.g. no person may engage in well drilling
or constructing a drill hole . . .

Called Erin in Rep. Ott's office -
told me to proceed w/ P2 per my
conversation w/ Jeff B.

Per Jeff -

Require business registration for businesses that
construct drillholes

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0170/P1dn

RNK:/:....

WJ

Date

under this draft,

* This amendment draft, among other things, amends the definition of the term "well" in s. 280.01 (6), [^] ~~stats~~ ^Δ so that a well includes a heat exchange drillhole. Under s. 59.70 (6) in current law, a county may enact a well construction ordinance. Please note that the inclusion of a heat exchange drillhole in the definition of the term "well" in ch. 280 means that ³ if a county enacts a well construction ordinance under s. 59.70 (6), such an ordinance would cover the construction of a heat exchange drillhole. Is this consistent with your intent?

Please also review ss. 443.14 (12m) and 470.025 (9) in current law to ensure that the cross-references in those provisions to the definition of "well drilling" as amended in this draft, ^{are} ~~is~~ consistent with your intent. ³

Please feel free to contact me if you have any questions with regard to this amendment draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Ruby, Erin
Sent: Friday, August 19, 2011 2:47 PM
To: Kite, Robin
Subject: AB 201 (LRB 2058/2)

Robin,

We've had some issues raised with our approach regarding Representative Ott's AB 201 (LRB 2058/2), and it looks like we are going to need to get a substitute amendment drafted.

The primary issue is the fact that we've made changes to the definition of "well" in Chapter 280. This has led the DNR to draft a fiscal estimate that indicates licensing will be required to drill a whole host of wells (that do not currently require a license) in addition to geothermal. Also, we're running into problems with the 10 foot threshold because there are some systems that are not in the scope of what we intend this bill to address, but that go as deep as 20-25 feet.

That said, we'd like to get a preliminary draft of a sub that would do the following:

- 1) Utilize the definition in NR 812.07 (33) and (33)(a).
812.07 (33) "Drillhole" means an excavation, opening or driven point well deeper than it is wide that extends more than 10 feet below the ground surface.
812.07 (33)(a) "Heat exchange drillhole" means a drillhole used for closed loop heat exchange purposes.

However, in utilizing this definition, replace "10 feet" with "25 feet."

Heat exchange drillholes that are deeper than 25 feet are what we are looking to target. (So I don't know if combining the two into a "hybrid" definition is maybe the appropriate approach?) And again, we're just interested in the drillholes, not heat exchange system in its entirety.

- 2) In order to drill these heat exchange drillholes, which is deeper than 25 feet, a person must be licensed to drill water wells under Chapter 280.
- 3) In addition, a person drilling these heat exchange drillholes must comply with continuing education requirements regarding both drilling wells for obtaining ground water for human consumption and for drilling wells for heat exchange as promulgated by the DNR by rule.

I hope this outline makes sense and provides enough information to work with. We want to keep this as simple as possible. If a person is going to drill a heat exchange drillhole deeper than 25 feet, they must be a licensed water well driller, and must obtain continuing education for both water well and heat exchange drilling.

Please do not hesitate to contact me with any questions.

Thank you!!
Erin

Erin Ruby
Research Assistant
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wi.gov



(soon)
State of Wisconsin
2011 - 2012 LEGISLATURE

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LRBs0170/PT
RNK:wlj:ph
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2011 ASSEMBLY BILL 201

In
10/11

D-Note

regen. cat

1 AN ACT *to renumber and amend* 280.01 (6), 280.01 (8), 280.15 (2m) (b), 280.15
2 (3g) (b) and 280.17; *to repeal and recreate* chapter 280 (title); and *to create*
3 280.01 (2c), 280.01 (6) (b), 280.01 (8) (a) and 280.01 (8) (b) of the statutes;
4 **relating to:** regulation of persons engaged in ^{STEI} ~~the industry of and the procedure~~
5 ~~for making~~ ^{construction of} heat exchange drillholes ~~for the purpose of closed loop heat~~
6 ~~exchange.~~

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

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

8 CHAPTER 280

9 WELL DRILLING AND PUMP INSTALLING

10 SECTION 2. 280.01 (2c) of the statutes is created to read:

(B)
AND DRILLHOLE CONSTRUCTION

INS.
1-9 →

1 280.01 (2c) "Heat exchange drillhole" means an excavation or opening that is
2 deeper than it is wide, that extends more than 25 feet below the ground surface, and
3 ~~that is made for the purpose of closed loop heat exchange.~~

~~***NOTE: Please note that I have removed the reference to a "driven point well" from this definition because the definition of "well" under this draft will include a "heat exchange drillhole." If I use the term "well" in this definition, then the two definitions will be circular.~~

4 **SECTION 3.** 280.01 (6) of the statutes is renumbered 280.01 (6) (intro.) and
5 amended to read:

6 280.01 (6) (intro.) "Well" means an any of the following:

7 (a) An excavation or opening into the ground made by digging, boring, drilling,
8 driving or other methods for the purpose of obtaining groundwater for human
9 consumption.

10 **SECTION 4.** 280.01 (6) (b) of the statutes is created to read:

11 280.01 (6) (b) A heat exchange drillhole.

12 **SECTION 5.** 280.01 (8) of the statutes is renumbered 280.01 (8) (intro.) and
13 amended to read:

14 280.01 (8) (intro.) "Well drilling" means the industry and procedure employed
15 ~~in obtaining groundwater from a well by digging, boring, drilling, driving or other~~
16 ~~methods but not including the driving of points for the purpose of obtaining ground~~
17 ~~water. It shall also include doing any of the following, including all construction work~~
18 ~~and installation of well casings in said well involved therein for the protection of such~~
19 ~~well water against pollution-;~~

20 **SECTION 6.** 280.01 (8) (a) of the statutes is created to read:

21 280.01 (8) (a) Obtaining groundwater from a well by digging, boring, drilling,
22 driving, or other methods but not including the driving of points for the purpose of
23 obtaining ground water.

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SECTION 7. 280.01 (8) (b) of the statutes is created to read:
280.01 (8) (b) Making a heat exchange drillhole.

SECTION 8. 280.15 (2m) (b) of the statutes is renumbered 280.15 (2m) (b) (intro.)
and amended to read:

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

1. Comply with requirements for continuing education promulgated by the department by rule ~~and shall apply.~~ The continuing education requirements promulgated by the department under this subdivision shall require an individual who engages in ~~well drilling for the purpose of making a heat exchange~~ drillhole to have training, as specified by the department, both in drilling wells ~~for obtaining groundwater~~ and in ~~drilling wells for the purpose of making a heat exchange~~ drillhole. *construction*

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

SECTION 9. 280.15 (3g) (b) of the statutes is renumbered 280.15 (3g) (b) (intro.)
and amended to read:

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

1. Complete training approved by the department ~~and comply.~~
2. Comply with requirements for continuing education promulgated by the department by rule ~~and shall apply.~~ The continuing education requirements promulgated by the department under this subdivision shall require an individual who operates a drilling rig with regard to ~~drilling wells for the purpose of making a heat exchange~~ drillhole to have training, as specified by the department, in drilling *construction*

1 rig operation both with regard to drilling wells for obtaining groundwater and with
2 regard to drilling wells for the purpose of making a heat exchanged drillhole. *construction*

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

5 **SECTION 10.** 280.17 of the statutes is renumbered 280.17 (intro.) and amended
6 to read:

7 **280.17 Exceptions.** (intro.) The provisions of this chapter shall do not apply
8 to the construction of wells where the water is used only a well if all of the following
9 apply:

10 (1) The well is used only to obtain groundwater for stock watering and other
11 similar or for a domestic purposes and purpose similar to stock watering.

12 (2) The well is not used to obtain groundwater for human consumption.

13 **SECTION 11. Effective date.**

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

16 (END)

INS.
4-12

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0170/P2ins.
RNK:.....

INSERT 1-9

1 SECTION ~~#~~ 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. *De*

INSERT 3-2

5 SECTION ~~#~~ 280.13 (1) (a) of the statutes is amended to read:

6 280.13 (1) (a) Employ a competent supervisor to supervise and inspect all well
7 drilling and [^] pump installing, and drillhole construction operations and aid in the
8 enforcement of all laws and rules governing the well drilling and [^] pump installing,
9 and drillhole construction industries. The department may also employ assistants,
10 prescribe their respective qualifications and salaries and assign their duties.

History: 1975 c. 39; 1977 c. 418; 1993 a. 482; 1995 a. 227 s. 939; Stats. 1995 s. 280.13; 1997 a. 191; 2005 a. 360.

11 SECTION ~~#~~ 280.13 (2) (d) of the statutes is amended to read:

12 280.13 (2) (d) Been found guilty in any civil or criminal proceeding of any action
13 constituting fraud in connection with the well driller's or pump installer's well
14 drilling or ^o drillhole construction, or pump installing operations.

History: 1975 c. 39; 1977 c. 418; 1993 a. 482; 1995 a. 227 s. 939; Stats. 1995 s. 280.13; 1997 a. 191; 2005 a. 360.

15 SECTION ~~#~~ 280.13 (6) of the statutes is renumbered 280.13 (6) (a).

16 SECTION ~~#~~ 280.13 (6) (b) of the statutes is created to read:

17 280.13 (6) (b) No individual whose well driller's license has been revoked under
18 this section may, during the period in which the revocation is effective, engage in any
19 drillhole construction activity except under the direct supervision of a licensed well
20 driller and as an employee of a licensed well driller or a registered well drilling
21 business.

22 SECTION ~~#~~ 280.15 (title) of the statutes is amended to read:

1

280.15 (title) Well drilling and pump installing, and drillhole

2

construction; registration; licensing; qualifications; fee.

History: 1983 a. 27; 1995 a. 227 s. 940; Stats. 1995 s. 280.15; 1999 a. 85; 2001 a. 107; 2005 a. 360.

3

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

4

280.15 (1) (a) *Registration requirement.* (intro.) No person may engage in the

5

business of well drilling or ~~pump installing~~ drillhole construction in this state unless

6

the person obtains registration under this paragraph as a well drilling business ~~or~~

7

and no person may engage in the business of pump installing in this state unless the

8

person obtains registration under this paragraph as a pump installing business,

9

except as follows:

History: 1983 a. 27; 1995 a. 227 s. 940; Stats. 1995 s. 280.15; 1999 a. 85; 2001 a. 107; 2005 a. 360.

10

SECTION ~~280.15~~ 280.15 (1) (am) of the statutes is amended to read:

11

280.15 (1) (am) *Prerequisite.* The department may not grant registration under

12

par. (a) to a person to engage in the business of well drilling or to engage in the

13

business of drillhole construction unless the person is a licensed well driller, a

14

licensed well driller has an ownership interest in the business, or the person employs

15

or contracts with a licensed well driller. The department may not grant registration

16

under par. (a) to a person to engage in the business of pump installing unless the

17

person is a licensed pump installer, a licensed pump installer has an ownership

18

interest in the business, or the person employs or contracts with a licensed pump

19

installer.

History: 1983 a. 27; 1995 a. 227 s. 940; Stats. 1995 s. 280.15; 1999 a. 85; 2001 a. 107; 2005 a. 360.

20

SECTION ~~280.15~~ 280.15 (1) (b) of the statutes is amended to read:

21

280.15 (1) (b) *Application.* A person who seeks to register a well drilling

22

business or pump installing business shall apply to the department for registration

23

of each place of business or retail outlet he or she operates as a well drilling business,

24

pump installing business, ^{or} drillhole construction business or ~~both~~ any combination

1 of those businesses, upon forms prepared by the department for this purpose. The
2 application shall be accompanied by a registration fee for each place of business or
3 retail outlet included in the application.

History: 1983 a. 27; 1995 a. 227 s. 940; Stats. 1995 s. 280.15; 1999 a. 85; 2001 a. 107; 2005 a. 360.

INSERT 4-12

4 ~~SECTION 280.15~~ SECTION 280.15 (3r) (a) of the statutes is amended to read:

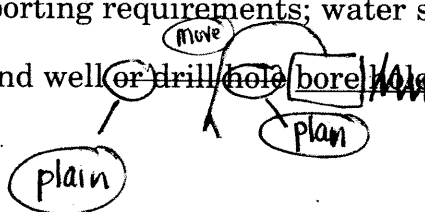
5 280.15 (3r) (a) *Requirement.* Except as provided in par. (b) and sub. (4), an
6 individual who is not a licensed well driller or a registered drilling rig operator may
7 ~~only~~ engage in well drilling or drillhole construction if the individual is under the
8 supervision of a licensed well driller or a registered drilling rig operator who is on the
9 site of the well drilling or drillhole construction.

History: 1983 a. 27; 1995 a. 227 s. 940; Stats. 1995 s. 280.15; 1999 a. 85; 2001 a. 107; 2005 a. 360.

10 ~~SECTION 280.98~~ SECTION 280.98 (2) of the statutes is amended to read:

11 280.98 (2) The department shall promulgate rules that specify violations of
12 rules under this chapter relating to licensing; registration; disinfection, sampling,
13 and reporting requirements; water systems that were installed before February 1,
14 1991; and well ~~or drill/hole bore/well~~ abandonment to which sub. (1) applies.

History: 2005 a. 360.



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

11s0170/P2dn

RNK:f:....

Wlj

Date

Unlike the previous version of this substitute amendment, this version does not include heat exchange drillholes within the definition of a "well" in ch. 280, stats., but requires a person who constructs a heat exchange drillhole to be licensed as a well driller. There are some provisions in current law that I did not amend but that you might want to amend in the next version of this draft:

1. Section 280.13 (1) (c), stats., allows DNR to inspect wells and well equipment. I did not amend this provision to also allow DNR to inspect heat exchange drillholes because the inspection authority appears to relate primarily to the protection of the water supply. Do you want DNR to be able to conduct inspections of drillholes?
2. Section 280.15 (4) (e), stats., exempts a person from obtaining a registration or license under ch. 280 for driving, digging, or otherwise obtaining groundwater supply on real estate owned by that person. Do you want to provide a similar exemption for a person who engages in drillhole construction on that person's own property?
3. Sections 443.14 (12m) and 470.025 (9) specifically exempt licensed well drillers who are engaged in well drilling from being licensed under ch. 443 (architects, engineers, designers, and surveyors) and ch. 470 (geologists, hydrologists, and soil scientists). Do you also want to exempt a person who engages in drillhole construction from the requirements for licensing under those chapters?

Please give me a call if you have any questions about this substitute amendment.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

11s0170/P2dn
RNK:wlj:rs

October 24, 2011

Unlike the previous version of this substitute amendment, this version does not include heat exchange drillholes within the definition of a "well" in ch. 280, stats., but requires a person who constructs a heat exchange drillhole to be licensed as a well driller. There are some provisions in current law that I did not amend but that you might want to amend in the next version of this draft:

1. Section 280.13 (1) (c), stats., allows DNR to inspect wells and well equipment. I did not amend this provision to also allow DNR to inspect heat exchange drillholes because the inspection authority appears to relate primarily to the protection of the water supply. Do you want DNR to be able to conduct inspections of drillholes?
2. Section 280.15 (4) (e), stats., exempts a person from obtaining a registration or license under ch. 280 for driving, digging, or otherwise obtaining groundwater supply on real estate owned by that person. Do you want to provide a similar exemption for a person who engages in drillhole construction on that person's own property?
3. Sections 443.14 (12m) and 470.025 (9) specifically exempt licensed well drillers who are engaged in well drilling from being licensed under ch. 443 (architects, engineers, designers, and surveyors) and ch. 470 (geologists, hydrologists, and soil scientists). Do you also want to exempt a person who engages in drillhole construction from the requirements for licensing under those chapters?

Please give me a call if you have any questions about this substitute amendment.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Kite, Robin
Sent: Friday, October 28, 2011 3:19 PM
To: Ruby, Erin
Subject: RE: Draft review: LRB 11s0170/P2 Topic: Revise definition of "well" and requirements for licenses to drill wells

Erin:

Under s. 227.11 (2), stats., each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute. Consequently, DNR has authority to promulgate rules to administer ch. 280. But if you want to **require** DNR to promulgate rules, then that requirement would need to be included in the draft. Otherwise, I don't think that it is necessary to specify that DNR has rule-making authority because that authority already exists under ch. 227 of the statutes.

Let me know if you want me to add anything about rule-making. Otherwise, I will redraft to incorporate the final items discussed below.

Thanks.
Robin

From: Ruby, Erin
Sent: Friday, October 28, 2011 1:13 PM
To: Kite, Robin
Cc: 'Jeffrey J. Beiriger'
Subject: FW: Draft review: LRB 11s0170/P2 Topic: Revise definition of "well" and requirements for licenses to drill wells

Robin,

I just met with Jeff Beiriger about the most recent draft and the questions you raised in your drafter's note.

First, Jeff thinks the draft looks great. Second, the answer to your three questions are all "yes".

Finally, we had a discussion regarding whether or not DNR currently would have the authority to promulgate code regarding drillhole construction (which would ultimately facilitate inspections, etc., per question #1). Does such authority currently exist, or do we need to provide that authority in this bill?

We'd be interested in getting your take on the code issue. If you think it would be beneficial/necessary to add such language, I think that's the direction we want to head. Beyond that, after adding the inspection provision and the additional exemptions, we should be good to go in terms of a /1 on the substitute amendment draft.

Thanks again for all of your help!
Erin

Erin Ruby
Research Assistant
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wi.gov

10/31/2011

Kite, Robin

From: Ruby, Erin
Sent: Thursday, November 03, 2011 8:01 AM
To: Kite, Robin
Subject: RE: Draft review: LRB 11s0170/P2 Topic: Revise definition of "well" and requirements for licenses to drill wells

Upon further review and consultation...

We are going to opt not to specifically require DNR to promulgate rules establishing construction standards. At this point, just proceed with the three issues raised in your drafter's note.

Thanks again!
Erin

From: Kite, Robin
Sent: Tuesday, November 01, 2011 1:50 PM
To: Ruby, Erin
Subject: RE: Draft review: LRB 11s0170/P2 Topic: Revise definition of "well" and requirements for licenses to drill wells

Erin:

What kind of rules do you want to require DNR to promulgate? Should they be rules establishing construction standards for drillholes? Do you want the rules to include anything else?

I also want to mention that if you require DNR to promulgate rules, then you will probably have to delay the effective date of the bill for at least a year or more, given the time that it takes to promulgate rules, particularly given the changes made to the rule-making process under Act 21. This would be necessary because if the bill requires DNR to promulgate construction standards for drillholes, then the standards would have to be in place before the new law could be administered.

Let me know how you would like me to proceed.

Thanks.
Robin

From: Ruby, Erin
Sent: Tuesday, November 01, 2011 9:23 AM
To: Kite, Robin
Subject: RE: Draft review: LRB 11s0170/P2 Topic: Revise definition of "well" and requirements for licenses to drill wells

Thanks, Robin!

I think we are going to opt to require the Department to promulgate rules.

Thanks again! Let me know if you need anything from us regarding the redraft.

Erin

From: Kite, Robin

11/3/2011



(soon)

State of Wisconsin
2011 - 2012 LEGISLATURE



Rm
P3

LRBs0170/PZ
RNK:wj:rs

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2011 ASSEMBLY BILL 201

In
11/17

Regen

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) and 280.98 (2); *to*
4 *repeal and recreate* chapter 280 (title); and *to create* 280.01 (1m), 280.01 (2c)
5 and 280.13 (6) (b) of the statutes; **relating to:** regulation of persons engaged
6 in the construction of heat exchange drillholes.

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

7 SECTION 1. Chapter 280 (title) of the statutes is repealed and recreated to read:
8 **CHAPTER 280**
9 **WELL DRILLING, PUMP INSTALLING,**
10 **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.

INS.
2-13

14 **SECTION 5.** 280.13 (2) (d) of the statutes is amended to read:

15 280.13 (2) (d) Been found guilty in any civil or criminal proceeding of any action
16 constituting fraud in connection with the well driller's or pump installer's well
17 drilling ~~or~~, drillhole construction, or pump installing operations.

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

19 **SECTION 7.** 280.13 (6) (b) of the statutes is created to read:

20 280.13 (6) (b) No individual whose well driller's license has been revoked under
21 this section may, during the period in which the revocation is effective, engage in any
22 drillhole construction activity except under the direct supervision of a licensed well
23 driller and as an employee of a licensed well driller or a registered well drilling
24 business.

25 **SECTION 8.** 280.15 (title) of the statutes is amended to read:

1 **280.15** (title) **Well drilling and, pump installing, and drillhole**
2 **construction; registration; licensing; qualifications; fee.**

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

4 280.15 (1) (a) *Registration requirement.* (intro.) No person may engage in the
5 business of well drilling or ~~pump installing~~ drillhole construction in this state unless
6 the person obtains registration under this paragraph as a well drilling business ~~or~~
7 and no person may engage in the business of pump installing in this state unless the
8 person obtains registration under this paragraph as a pump installing business,
9 except as follows:

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

11 280.15 (1) (am) *Prerequisite.* The department may not grant registration under
12 par. (a) to a person to engage in the business of well drilling or to engage in the
13 business of drillhole construction unless the person is a licensed well driller, a
14 licensed well driller has an ownership interest in the business, or the person employs
15 or contracts with a licensed well driller. The department may not grant registration
16 under par. (a) to a person to engage in the business of pump installing unless the
17 person is a licensed pump installer, a licensed pump installer has an ownership
18 interest in the business, or the person employs or contracts with a licensed pump
19 installer.

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

21 280.15 (1) (b) *Application.* A person who seeks to register a well drilling
22 business or pump installing business shall apply to the department for registration
23 of each place of business or retail outlet he or she operates as a well drilling business,
24 pump installing business, or drillhole construction business or both any combination
25 of those businesses, upon forms prepared by the department for this purpose. The

1 application shall be accompanied by a registration fee for each place of business or
2 retail outlet included in the application.

3 **SECTION 12.** 280.15 (2m) (b) of the statutes is renumbered 280.15 (2m) (b)
4 (intro.) and amended to read:

5 280.15 (2m) (b) *Renewal.* (intro.) In order to retain his or her license as a well
6 driller or pump installer an individual shall ~~comply~~ do all of the following:

7 1. Comply with requirements for continuing education promulgated by the
8 department by rule ~~and shall apply.~~ The continuing education requirements
9 promulgated by the department under this subdivision shall require an individual
10 who engages in drillhole construction to have training, as specified by the
11 department, both in drilling wells and in drillhole construction.

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

14 **SECTION 13.** 280.15 (3g) (b) of the statutes is renumbered 280.15 (3g) (b) (intro.)
15 and amended to read:

16 280.15 (3g) (b) *Renewal.* (intro.) In order to retain registration as a drilling
17 rig operator an individual shall ~~complete~~ do all of the following:

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

19 2. Comply with requirements for continuing education promulgated by the
20 department by rule ~~and shall apply.~~ The continuing education requirements
21 promulgated by the department under this subdivision shall require an individual
22 who operates a drilling rig with regard to drillhole construction to have training, as
23 specified by the department, in drilling rig operation both with regard to drilling
24 wells and with regard to drillhole construction.

Kite, Robin

From: Ruby, Erin
Sent: Friday, November 18, 2011 10:44 AM
To: Kite, Robin
Subject: FW: Draft review: LRB 11s0170/P3 Topic: Revise definition of "well" and requirements for licenses to drill wells

Attachments: LRBs0170_P3

Thank you very much, Robin!

It looks like we're ready for the stripes on this one.

Have a great weekend!
Erin

Erin Ruby

Research Assistant

Office of State Representative Al Ott

608.266.5831

erin.ruby@legis.wi.gov

From: LRB.Legal
Sent: Friday, November 18, 2011 8:23 AM
To: Rep.Ott
Subject: Draft review: LRB 11s0170/P3 Topic: Revise definition of "well" and requirements for licenses to drill wells

Following is the PDF version of draft LRB 11s0170/P3.



State of Wisconsin
2011 - 2012 LEGISLATURE



Rm
run

LRBs0170/P30
RNK:wlj:ph

↑ keep

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2011 ASSEMBLY BILL 201

In
11/18

X

Regen

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)

Barman, Mike

From: Barman, Mike
Sent: Friday, December 02, 2011 8:50 AM
To: Ruby, Erin
Subject: FE's - Supplemental FE E-Mail.doc



As we discussed, please see option #4 below ... Joint Rule 41 (3)

(b)

An e-mail request sent by either the President's or the Speaker's office to both the LRB (lrb.legal@legis.wisconsin.gov) (Attn: Mike Barman) and the fiscal estimate coordinator at DOA (fes@doa.state.wi.us) (Attn: Shayna Heztel) is needed before a "supplemental" fiscal estimate can be initiated.

1. In the e-mail please quote the Joint Rule that applies.
2. Please note the Introduction and LRB number of the bill, substitute amendment or simple amendment the fiscal estimate is to be based on.
3. Please state the agency(s) requested to prepare the "supplemental" fiscal estimate.

Please feel free to contact me if you have any questions.

Mike Barman (Lead Program Assistant)

State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.state.wi.us

Alternative Fiscal Estimate Options

Fiscal estimates initiated by the bill's primary author (sponsor):

1. **Before the fiscal estimate is "released" (during the five-day review period) ... the primary author of an introduced bill may contact the agency that prepared the *original* fiscal estimate, explain his or her concerns, and request a rewrite. If the agency agrees to rewrite the estimate and the primary author wishes to delay publication, the agency must immediately notify the Department of Administration (DOA) and the Legislative Reference Bureau (LRB). The fiscal estimate will then be returned to the agency for a rewrite. The rewritten fiscal estimate will be the only *original* fiscal estimate "released" (published and inserted into the bill jacket envelope). However, both the rewritten and the initial *original* fiscal estimates will be available for public inspection in the LRB drafting file. If the agency opts not to rewrite the fiscal estimate, it will be "released" by the LRB at the end of the five day review period. See Joint Rule 48 (4).**
2. **Before the fiscal estimate is "released" (during the five-day review period) ... the primary author of an introduced bill may request that a new *original* fiscal estimate be prepared that takes into account any changes resulting from a proposed simple or substitute amendment (whether offered for introduction or not). See Joint Rule 48 (2).**
3. **The primary author of an introduced bill may request that the Legislative Fiscal Bureau (LFB) or DOA prepare a *supplemental* fiscal estimate if he or she disagrees with the fiscal estimate for the bill prepared by the state agency. See Joint Rule 48 (3).**
4. **The primary author of an introduced bill may contact the presiding officer (of either house) and request a *supplemental* fiscal estimate that takes into account any changes resulting from a proposed simple or substitute amendment. If the presiding officer agrees that a *supplemental* fiscal estimate on the bill (as**

affected by the proposed amendment) would be substantially different from the *original* fiscal estimate submitted by the state agency, they may formally submit a request (in writing – via e-mail to the LRB) to have the agency prepare a *supplemental* fiscal estimate. See Joint Rule 41 (3) (b).

5. The state agency may, at its discretion, submit an *updated* fiscal estimate supplementing its *original* estimate if it has available better or more current information on the bill. If the primary author of the bill feels the *original* fiscal estimate is inaccurate, and can provide more complete information to the agency, this may be a good option to initiate. See Joint Rule 41 (3) (e).

Barman, Mike

From: Rausch, Scott
Sent: Monday, December 05, 2011 3:20 PM
To: Barman, Mike; Hetzel, Shayna - DOA
Subject: Supplemental Fiscal Estimate Request - AB 201

Attachments: AB-201.pdf; AB201-ASA1.pdf

Mike & Shayna,

Speaker Fitzgerald received the following request from Erin Ruby of Rep. Al Ott's office. They are requesting a supplemental fiscal estimate from the DNR in regards to Assembly Substitute Amendment 1 to Assembly Bill 201. Erin has attached both documents below.

Our office believes that a supplemental fiscal estimate should be made available to Rep. Ott and we would like their request to be met.

Thank you both for your assistance with this request. Please let me know if you have any questions regarding this request.

Regards,

Scott Rausch

Administrative Assistant
Office of Assembly Speaker Jeff Fitzgerald
(608) 266-0740
scott.rausch@legis.wi.gov

From: Ruby, Erin
Sent: Monday, December 05, 2011 1:53 PM
To: Rausch, Scott
Subject: Supplemental Fiscal Estimate Request - AB 201

Scott,

Per our conversation on Friday, Rep. Ott would like to request a supplemental fiscal estimate from the Department of Natural Resources for AB 201 (LRB 2058), as affected by ASA 1 (LRB s0170/1).



AB-201.pdf (39
KB)



AB201-ASA1.pdf
(45 KB)

This request is pursuant to Joint Rule 41 (3) (b).

Due to the changes set forth in ASA 1 to AB 201, the supplemental fiscal estimate is anticipated to be substantially different from the original fiscal estimate prepared by the Department.

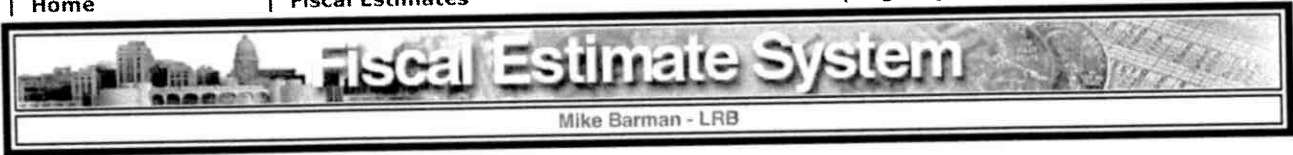
If Speaker Fitzgerald agrees that a supplemental fiscal estimate is in order, both the LRB (lrb.legal@legis.wisconsin.gov) (Attn: Mike Barman) and DOA (fes@doa.state.wi.us) (Attn: Shayna Heztel) should be notified of the request.

Please feel free to let me know if you have any questions or concerns.

Thanks!

Erin

Erin Ruby
Research Assistant
Office of State Representative Al Ott
608.266.5831



ACTIVE

LRB Number: 11s0170/1

Introduction Number: ASA1-AB201

Comment:

Request Date: 12/5/2011 3:24:34 PM

Description:

Subject: "Supplemental" FE requested (per Joint Rule 41 (3)
(b)

PUBLIC DRAFT/BILL and Assignments

Edit the Request

Draft/Bill: Not attached