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1 Emergency orders shall take effect at the time the department specifies. As soon as  
2 is practicable, the department shall hold a public hearing after which it may modify  
3 or rescind the temporary emergency order or issue a special order under par. (a).<sup>✓</sup>

4 (c) 1. Any owner may secure a review of the necessity for and reasonableness  
5 of any order of the department under this subsection<sup>✓</sup> or s. 280.50<sup>✓</sup> by first filing with  
6 the department a petition setting forth specifically the change desired in the order.  
7 The petition must be filed within 60 days of the issuance of the order sought to be  
8 reviewed. Upon receipt of a petition the department shall order a public hearing on  
9 the order and make whatever further investigation it determines is advisable.  
10 Pending the review and hearing, the department may suspend the order under terms  
11 and conditions to be fixed by the department on application of the petitioner. The  
12 department shall affirm, repeal, or change the order within 60 days after the close  
13 of the hearing on the petition.

14 2. The determination of the department under subd. 1.<sup>✓</sup> is subject to review  
15 under ch. 227.<sup>✓</sup>

16 (6) In addition to issuing an order under this section, the department may  
17 proceed under s. 280.28.<sup>✓</sup>

18 (7) The department may record an order under sub. (1)<sup>✓</sup> that relates to a water  
19 system, well, or other drill hole with the register of deeds of the county in which the  
20 water system, well, or other drill hole is located. If an order is recorded and the  
21 person complies with the order, the department shall record a satisfaction of the  
22 order with the register of deeds.

23 (8) In lieu of recording an order under sub. (7),<sup>✓</sup> the department may record an  
24 affidavit that sets forth facts showing that a violation or a condition exists, relating  
25 to a water system, well, or other drill hole, that would authorize the department to

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1 issue an order under sub. (1).<sup>✓</sup> In an affidavit recorded under this<sup>✓</sup> subsection, the  
2 department shall include a legal description of the property on which the water  
3 system, well, or other drill hole is located. An employee of the department shall sign  
4 the affidavit. If a person corrects the violation or the condition, the department shall  
5 record an affidavit describing that correction.

6 **280.42 Inspection authority.** (1) For purposes of administering and  
7 enforcing this chapter or any rule promulgated under this chapter, any authorized  
8 representative of the department who presents appropriate identification may, at  
9 any reasonable hour, enter public or private property to do any of the following:

10 (a) Inspect and obtain samples from any water system, well, or other drill hole.

11 (b) Conduct an investigation or inspection to ensure compliance with this  
12 chapter or with any rule promulgated or order issued under this chapter.

13 (c) Inspect records that the department requires to be kept.

14 (2) If an owner refuses a request to make his or her property accessible for  
15 inspection under sub. (1),<sup>✓</sup> the department's authorized representative may obtain a  
16 special inspection warrant<sup>✓</sup> as provided under s. 66.0119.<sup>✓</sup>

17 (3) No person may refuse to permit an authorized representative of the  
18 department who, at a reasonable hour, presents a special inspection warrant and  
19 appropriate identification to enter the person's property, to conduct an inspection, or  
20 to take samples.

21 **280.44 Sampling; testing.** (1) The department may, in accordance with rules  
22 promulgated under s. 280.05 (1) (i),<sup>✓</sup> require a well driller, well point driver, restricted  
23 drill hole constructor, or pump installer to take a sample of water from any water  
24 system for which the person provides services, to submit the sample to the state  
25 laboratory of hygiene or a laboratory approved under s. 93.12<sup>✓</sup> or certified under s.

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1 299.11 for analysis, and to provide the analysis to the department and the owner or  
2 operator of the water system or drill hole.

3 (2) The department may, in accordance with rules promulgated under s. 280.05  
4 (1) (i), require the owner or operator of a public water system or the owner or operator  
5 of a private water system that is the water supply for bottled drinking water  
6 regulated under s. 97.34 to take samples of water from the water system according  
7 to a schedule specified by the department, to submit the samples to the state  
8 laboratory of hygiene or a laboratory approved under s. 93.12 or certified under s.  
9 299.11 for analysis, and to provide a report of the analysis to the department.

10 (3) If a person required to submit samples under sub. (1) or (2) fails to do so,  
11 the department may enter the person's property as provided under s. 280.42, if  
12 necessary, and take samples for analysis. The department shall charge the person  
13 responsible for sampling for the costs incurred under this subsection, according to  
14 fees established by the department by rule.

15 **280.46 Enforcement.** (1) GENERAL. (a) If the department determines that  
16 a person has violated this chapter, a rule promulgated under this chapter, or an order  
17 issued under this chapter, the department may refer the matter to the department  
18 of justice or the district attorney of the county in which the violation occurred for  
19 enforcement.

20 (b) If the department of justice commences an action after a referral under par.  
21 (a), the department of justice shall, before stipulation, consent order, judgment, or  
22 other final disposition, consult with the department of natural resources to  
23 determine that department's views on final disposition.

24 (2) INJUNCTIONS. In any action commenced under sub. (1) (a), the department  
25 of justice or a district attorney may seek, and the court may grant, a temporary or

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1 permanent injunction to prevent or restrain any violation of this chapter, a rule  
2 promulgated under this chapter, or an order issued under this chapter.

3 (3) VENUE. An action under sub. (1) shall be commenced in the circuit court for  
4 the county in which the violation occurred in whole or in part. The proceedings may  
5 be transferred to the circuit court for Dane County if all parties stipulate to the  
6 transfer and if that court agrees to the transfer.

7 **280.49 Penalties.** (1) In subs. (2) to (4), “violation” means a violation of this  
8 chapter, a rule promulgated under this chapter, or an order, license, or approval  
9 issued under this chapter or the falsification of any report required under this  
10 chapter.

11 (2) Any individual who is a licensed well driller, well point driver, restricted  
12 drill hole constructor, or pump installer or is licensed under ch. 145 who commits a  
13 violation shall forfeit not less than \$10 nor more than \$1,000 for each violation.

14 (3) Any person, other than a person specified under sub. (2), who commits a  
15 violation shall forfeit not less than \$10 nor more than \$5,000 for each violation.

16 (4) Any person who intentionally commits a violation shall, for each violation,  
17 be fined not less than \$100 nor more than \$10,000 or imprisoned for not more than  
18 6 months or both.

19 (5) For purposes of subs. (2) to (4), each violation of this chapter or a rule or  
20 order is a separate offense and each day of continued violation is a separate offense.

21 (6) (a) Notwithstanding subs. (2) to (4), any person who violates this chapter,  
22 a rule promulgated under this chapter, or an order, license, or approval issued under  
23 this chapter with respect to any requirement of the federal Safe Drinking Water Act,  
24 42 USC 300f to 300j-26, shall forfeit not less than \$10 nor more than \$25,000 for each  
25 violation. Each day of continued violation is a separate offense.

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(b) Notwithstanding subs. (2) to (4), any person who intentionally commits an act that violates, or intentionally fails to perform an act required by, this chapter, a rule promulgated under this chapter, or an order, license, or approval issued under this chapter with respect to any requirement of the federal Safe Drinking Water Act, 42 USC 300f to 300j-26, <sup>is guilty of a Class I felony</sup> may be fined not more than \$50,000 for each day of violation

~~or imprisoned for not more than 3 years or both~~

*except that, notwithstanding the maximum fine specified in s. 939.50(3)(i), the person*

**SUBCHAPTER VI**

**FINANCIAL ASSISTANCE**

**SECTION 40.** Chapter 281 (title) of the statutes is amended to read:

**CHAPTER 281**

**WATER POLLUTION AND SEWAGE**

**SECTION 41.** 281.01 (8) of the statutes is amended to read:

281.01 (8) "Owner" means the state, county, town, town sanitary district, city, village, metropolitan sewerage district, corporation, firm, company, institution or individual owning or operating any water supply, sewerage or water system or sewage and refuse disposal plant.

**SECTION 42.** 281.01 (15) of the statutes is amended to read:

281.01 (15) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear

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material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31 (1).

**SECTION 43.** 281.01 (16) of the statutes is amended to read:

281.01 (16) "System or plant" includes ~~water and~~ <sup>✓</sup>sewerage systems and sewage and refuse disposal plants.

**SECTION 44.** 281.01 (20) <sup>✓</sup>of the statutes is repealed.

**SECTION 45.** 281.12 (3) of the statutes is amended to read:

281.12 (3) The department, upon request, shall consult with and advise owners who have installed or are about to install systems or plants, <sup>✓</sup>as to the most appropriate water source and the best method of providing for its purity, or as to the best method of disposing of wastewater, including operations and maintenance, taking into consideration the future needs of the community for protection of its water supply. The department is not required to prepare plans.

**SECTION 46.** 281.13 (title) of the statutes is repealed and recreated to read:

**281.13 (title) Research.**

**SECTION 47.** 281.13 (1) (a) <sup>✓</sup>of the statutes is renumbered 280.03 (2), <sup>✓</sup>and 280.03 (2) (intro.), <sup>✓</sup>as renumbered, is amended to read:

280.03 (2) (intro.) ~~The department is authorized to act~~ Act with the U.S. geological survey in determining the sanitary and other conditions and nature of the natural water sources in this state, for the following purposes:

**SECTION 48.** 281.13 (1) (b) <sup>✓</sup>of the statutes is repealed.

**SECTION 49.** 281.13 (3) <sup>✓</sup>of the statutes is renumbered 281.13. <sup>✓</sup>

**SECTION 50.** 281.17 (3) of the statutes is amended to read:

281.17 (3) The department shall promulgate rules establishing an examining program for the certification of operators of <sup>✓</sup>water systems, wastewater treatment

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1 plants and septage servicing vehicles operated under a license issued under s. 281.48  
 2 (3), setting such standards as the department finds necessary to accomplish the  
 3 purposes of this chapter and chs. 285 and 289 to 299, including requirements for  
 4 continuing education. The department may charge applicants a fee for certification.  
 5 All moneys collected under this subsection for the certification of operators of <sup>✓</sup>water  
 6 systems, wastewater treatment plants and septage servicing vehicles shall be  
 7 credited to the appropriation under s. 20.370 (4) (bL). No person may operate a <sup>✓</sup>water  
 8 systems, wastewater treatment plant or septage servicing vehicle without a valid  
 9 certificate issued under this subsection. The department may suspend or revoke a  
 10 certificate issued under this subsection for a violation of any statute or rule relating  
 11 to the operation of a ~~water system~~ or wastewater treatment plant or to septage  
 12 servicing, for failure to fulfill the continuing education requirements or as provided  
 13 under s. 145.245 (3). The owner of any wastewater treatment plant shall be, or shall  
 14 employ, an operator certified under this subsection who shall be responsible for plant  
 15 operations, unless the department by rule provides otherwise. In this subsection,  
 16 "wastewater treatment plant" means a system or plant used to treat industrial  
 17 wastewater, domestic wastewater or any combination of industrial wastewater and  
 18 domestic wastewater.

19 **SECTION 51.** 281.17 (8) <sup>X</sup> of the statutes is repealed.

20 **SECTION 52.** 281.17 (9) <sup>X</sup> of the statutes is renumbered 280.03 (8m) <sup>✓</sup> and amended  
 21 to read:

22 280.03 (8m) ~~The department may require~~ Require owners of water systems to  
 23 demonstrate the technical, managerial, and financial capacity to comply with  
 24 national primary drinking water regulations under 42 USC 300g-1 and <sup>✓</sup>may assist  
 25 owners of water systems to develop that capacity.

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1 SECTION 53. 281.19 (2) (a) of the statutes is amended to read:

2 281.19 (2) (a) The department may issue special orders directing particular  
3 owners to ~~remedy violations of the safe drinking water program under s. 281.17 (8)~~<sup>✓</sup>  
4 and ~~(9)~~<sup>✓</sup> or to secure such operating results toward the control of pollution of the  
5 waters of the state as the department prescribes, within a specified time. Pending  
6 efforts to comply with any order, the department may permit continuance of  
7 operations on such conditions as it prescribes. If any owner cannot comply with an  
8 order within the time specified, the owner may, before the date set in the order,  
9 petition the department to modify the order. The department may modify the order,  
10 specifying in writing the reasons therefor. If any order is not complied with within  
11 the time period specified, the department shall ~~immediately~~<sup>✓</sup> notify the attorney  
12 general of this fact. After receiving the notice, the attorney general ~~shall~~<sup>✓</sup> may  
13 commence an action under s. 299.95.

14 SECTION 54. 281.35 (1) (a) and (b) 2. of the statutes are amended to read:

15 281.35 (1) (a) "Approval" means a permit issued under s. 30.18 or an approval  
16 under s. 280.10<sup>✓</sup>, 281.17 (1) or 281.41.

17 (b) 2. If subd. 1. does not apply, the highest average daily water loss over any  
18 30-day period that is reported to the department or the public service commission  
19 under sub. (3) (c) or s. 30.18 (6) (c), 196.98, 280.10 (3)<sup>✓</sup>, 281.17 (1) or 281.41.

20 SECTION 55. 281.35 (4) (a) 3. and (b) (intro.) of the statutes are amended to read:

21 281.35 (4) (a) 3. An owner who is operating a sewage system or sewage and  
22 refuse disposal plant under plans approved under s. 281.41 ~~or~~, who is required to  
23 submit plans and obtain an approval under that section before construction ~~or~~  
24 extension<sup>2</sup> modification, or operation of a proposed sewage system or sewage and  
25 refuse disposal plant, who is operating a water system under an approval under s.



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1 280.10, or who is required to obtain an approval under s. 280.10 before construction,  
2 modification, or operation of a water system.

3 (b) (intro.) Before any person specified in par. (a) may begin a new withdrawal  
4 or increase the amount of an existing withdrawal, the person shall apply to the  
5 department under s. 30.18, ~~281.10~~<sup>O</sup> (1), 281.17 (1) or 281.41 for a new approval or a  
6 modification of its existing approval if either of the following conditions applies:

7 **SECTION 56.** 281.41 (1) (c) of the statutes is amended to read:

8 281.41 (1) (c) Construction or material change shall be according to approved  
9 plans only. The department may disapprove plans that are not in conformance with  
10 any existing approved areawide waste treatment management plan prepared  
11 pursuant to the federal water pollution control act, ~~P.L. 92-500, as amended~~ 33 USC  
12 1251 to 1387, and shall disapprove plans that do not meet the grounds for approval  
13 specified under s. 281.35 (5) (d), if applicable. The department shall require each  
14 person whose plans are approved under this section to report that person's volume  
15 and rate of water withdrawal, as defined under s. 281.35 (1) (m), and that person's  
16 volume and rate of water loss, as defined under s. 281.35 (1) (L), if any, in the form  
17 and at the times specified by the department.

18 **SECTION 57.** 281.45 of the statutes is amended to read:

19 **281.45 House connections.** To assure preservation of preserve the public  
20 health, comfort and safety, any ~~city, village or town or town sanitary district~~ having  
21 ~~a system of waterworks or sewerage, or both,~~ may <sup>✓</sup> municipality with a sewerage  
22 system shall by ordinance require buildings used for human habitation and located  
23 adjacent to a sewer or water main, ~~or in a block through which one or both of these~~  
24 ~~systems extend,~~ to be connected with either or both to the sewerage system in the  
25 manner prescribed by the municipality. If any person fails to comply with the

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1 ordinance for more than 10 days after notice in writing, the municipality may impose  
 2 a ~~penalty or may cause~~ forfeiture. The municipality may also complete the  
 3 connection to be made, and charge the expense thereof shall be assessed as a special  
 4 tax assessment against the property. Except in 1st class cities, the owner may, within  
 5 30 days after the completion of the work, file a written option with the municipal  
 6 clerk stating that he or she cannot pay the amount in one sum and asking that it be  
 7 levied in not to exceed municipality shall collect the special assessment in 5 equal  
 8 annual instalments, and the amount shall be so collected with interest at a rate not  
 9 to exceed 15% per year from the completion of the work, the unpaid balance to be a  
 10 special tax lien if the property owner files a written request with the municipal clerk  
 11 within 30 days after completion of the connection. If the property owner does not file  
 12 a request, the property owner shall pay the entire sum in a single payment.  
*or if the property is located in a 1st class city ✓*

13 **SECTION 58.** 281.53 of the statutes is renumbered 280.54, and 280.54 (1) and  
 14 (3), as renumbered, are amended to read:

15 280.54 (1) The department may award a municipal clean drinking water grant,  
 16 from the appropriation under s. 20.866 (2) (tb), to a municipality local governmental  
 17 unit for capital costs to achieve compliance with standards for contaminants  
 18 established by the department by rule under the safe drinking water program under  
 19 s. 281.17 (8) 280.03 (1), if the municipality local governmental unit is not in  
 20 compliance with those standards on or after April 1, 1990, if the municipality local  
 21 governmental unit incurs the capital costs after January 1, 1989, and if the violation  
 22 of the standards for contaminants occurs in a public water system owned by the  
 23 municipality local governmental unit.

24 (3) The department shall rank applicants for grants under this section on the  
 25 basis of the severity of risk to human health posed by each applicant's violation of the

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standards for contaminants. If insufficient funds are available for providing grants to eligible municipalities local governmental units, the department shall allocate grants based on the severity of risk to human health.

**SECTION 59.** 281.75 (title) and (1) (intro.), (a) and (b) of the statutes are renumbered 280.52 (title) and (1) (intro.), (a) and (b).

**SECTION 60.** Subchapter VI (title) of chapter 281 [precedes s. 281.75] of the statutes is repealed.

**SECTION 61.** 281.75 (1) (c) of the statutes is repealed.

**SECTION 62.** 281.75 (1) (d) to (g) of the statutes are renumbered 280.52 (1) (d) to (g).

**SECTION 63.** 281.75 (1) (h) of the statutes is renumbered 280.52 (1) (h) and amended to read:

280.52 (1) (h) "Well" Notwithstanding s. 280.01 (15), "well" means an excavation or opening in the ground made by boring, drilling or driving for the purpose of obtaining a supply of groundwater. "Well" does not include dug wells.

**SECTION 64.** 281.75 (2) and (3) of the statutes are renumbered 280.52 (2) and (3).

**SECTION 65.** 281.75 (4) of the statutes, ~~as affected by 2001 Wisconsin Act 16,~~ is renumbered 280.52 (4).

**SECTION 66.** 281.75 (4m) to (11) of the statutes are renumbered 280.52 (4m) to (11).

**SECTION 67.** 281.75 (12) (intro.) and (a) of the statutes are renumbered 280.52 (12) (intro.) and (a).

**SECTION 68.** 281.75 (12) (b) of the statutes is renumbered 280.52 (12) (b) and amended to read:

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280.52 (12) (b) If the well is a drilled well, it is constructed by a well driller licensed under ~~ch. 280 s. 280.24~~ or, if the well is a sandpoint well, it is constructed by a well driller or ~~pump installer~~ well point driver licensed under ~~ch. 280 s. 280.24~~.

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SECTION 69. 281.75 (13) to (17) of the statutes are renumbered 280.52 (13) to (17).

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SECTION 70. 281.75 (18) of the statutes is renumbered 280.52 (18) and amended to read:

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280.52 (18) SUSPENSION OR REVOCATION OF LICENSES. The department may suspend or revoke a license issued under ~~ch. 280~~ this chapter if the department finds that the licensee falsified information submitted under this section. The department of commerce may suspend or revoke the license of a plumber licensed under ch. 145 if the department of commerce finds that the plumber falsified information submitted under this section.

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SECTION 71. 281.75 (19) of the statutes is renumbered 280.52 (19), and 280.52 (19) (intro.), as renumbered, is amended to read:

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280.52 (19) PENALTIES. (intro.) ~~Whoever~~ Notwithstanding s. 280.49, whoever does any of the following shall forfeit not less than \$100 nor more than \$1,000 and shall be required to repay an award issued to that person under this section:

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SECTION 72. 281.77 of the statutes is renumbered 280.19, and 280.19 (title), (1) (b) and (3), as renumbered, are amended to read:

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**280.19 (title) Damage to private water supplies.**

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(1) (b) "Regulated activity" means an activity for which the department may issue an order under ch. 281, except s. 281.48, or under chs. 285 or 289 to 299 or this chapter, ~~except s. 281.48~~, if the activity is conducted in violation of ch. 281, except s. 281.48, or in violation of chs. 285 or 289 to 299 or this chapter, ~~except s. 281.48~~, or

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1 in violation of licenses, permits or special orders issued or rules promulgated under  
2 ch. 281, except s. 281.48, or under chs. 285 or 289 to 299 or this chapter, ~~except s.~~  
3 ~~281.48.~~ ✓

4 (3) In any action brought by the department of justice under s. 280.46 or 299.95 ✓  
5 or by a district attorney under s. 280.46, if the court finds that a regulated activity  
6 owned or operated by the defendant has caused a private water supply to become  
7 contaminated, polluted or unfit for consumption by humans, livestock or poultry, the  
8 court may order the defendant to treat the water to render it fit for consumption by  
9 humans, livestock and poultry, repair the private water supply or replace the private  
10 water supply and to reimburse the town, village or city for the cost of providing water  
11 under sub. (4).

12 SECTION 73. 281.97 of the statutes is amended to read:

13 **281.97 Records; inspection.** ~~Records~~ Owners shall keep records required by  
14 the department ~~shall be kept by the owners and shall supply~~ the department  
15 ~~supplied~~ with certified copies of those records and ~~such~~ other information as it may  
16 ~~require~~ required by the department. ✓ Agents of the department may enter buildings,  
17 structures and premises of owners supplying the public or industrial plants with  
18 ~~water, ice, sewerage systems, or sewage or refuse disposal service~~ and private  
19 properties to collect samples, records and information, and to ascertain if the rules  
20 and orders of the department are complied with.

21 SECTION 74. 281.98 (1) of the statutes, ~~as affected by 2001 Wisconsin Act 6,~~ is  
22 amended to read:

23 281.98 (1) Except as provided in ss. s. 281.47 (1) (d), 281.75 (19), and 281.99 ✓  
24 (2), ✓ any person who violates this chapter or any rule promulgated or any plan  
25 approval, license, special order, or water quality certification issued under this

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chapter shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of continued violation is a separate offense. While an order is suspended, stayed, or enjoined, this penalty does not accrue.

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~~SECTION 75. 281.98 (2) of the statutes is amended to read:~~

~~281.98 (2) In addition to the penalties provided under sub. (1) or s. 281.99 (2), the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of a violation of this chapter, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subsection. Ten percent of the money deposited in the general fund that was awarded under this subsection for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

SECTION 76. 281.99<sup>X</sup> of the statutes is renumbered 280.50, and 280.50 (1) (a), (b) 2. and (c), (2) (a) (intro.), (3) and (5), as renumbered, are amended to read:

280.50 (1) (a) The department may directly assess forfeitures in the amounts provided under sub. (2) for violations of safe drinking water program rules promulgated under s. 281.17 (8)<sup>✓</sup> or (9)<sup>✓</sup> ~~280.03 (1) or (8m)~~ or 280.05 (1) (f).<sup>✓</sup>

(b) 2. The department may directly assess a forfeiture by issuing an order under par. (c) without first providing notice if the alleged violation either creates an acute risk to public health or safety or is part of a documented pattern of noncompliance with one or more rules promulgated under s. 281.17 (8)<sup>✓</sup> or (9)<sup>✓</sup> ~~280.03 (1) or (8m)~~ or 280.05 (1) (f).<sup>✓</sup>

(c) If the department determines that a forfeiture should be assessed for a particular violation, it shall issue an order under s. 281.19 (2) (a) ~~280.40 (5m)~~<sup>✓</sup> to the

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1 water system owner or operator alleged to have committed the violation. Except as  
2 provided in par. (b) 2., the department may not issue the order until at least 60 days  
3 after the day on which it provided notice under par. (b) 1. The order shall specify the  
4 amount of the forfeiture assessed, the violation and the rule alleged to have been  
5 violated and shall inform the licensee of the right to contest the order under sub. (3).

6 (2) (a) (intro.) The Notwithstanding s. 280.49, the amount of forfeitures that  
7 the department may assess under this section are as follows:

8 (3) A water system owner or operator may contest the issuance of an order and  
9 the assessment of a forfeiture under this section using the procedure under ch. 227  
10 or s. ~~281.19 (8)~~ 280.40 (5m) (c). A water system owner or operator that timely  
11 requests a hearing under ch. 227 is entitled to a contested case hearing.

12 (5) The attorney general may bring an action as provided in s. ~~281.19 (2) (a)~~  
13 280.46 (1) (b) in the name of the state to collect any forfeiture imposed under this  
14 section if the forfeiture has not been paid following the exhaustion of all  
15 administrative and judicial reviews.

16 **SECTION 77.** 285.01 (40) of the statutes is amended to read:

17 285.01 (40) "Solid waste" means any garbage, refuse, sludge from a waste  
18 treatment plant, water <sup>supply</sup> treatment plant or air pollution control facility and  
19 other discarded or salvageable materials, including solid, liquid, semisolid, or  
20 contained gaseous materials resulting from industrial, commercial, mining and  
21 agricultural operations, and from community activities, but does not include solids  
22 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation  
23 return flows or industrial discharges which are point sources subject to permits  
24 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear

PW/K

**BILL**

1 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31  
2 (1).

3 **SECTION 78.** 289.01 (33) of the statutes is amended to read:

4 289.01 (33) "Solid waste" means any garbage, refuse, sludge from a waste  
5 treatment plant, water supply<sup>✓</sup> treatment plant or air pollution control facility and  
6 other discarded or salvageable materials, including solid, liquid, semisolid, or  
7 contained gaseous materials resulting from industrial, commercial, mining and  
8 agricultural operations, and from community activities, but does not include solids  
9 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation  
10 return flows or industrial discharges which are point sources subject to permits  
11 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear  
12 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31  
13 (1).

14 **SECTION 79.** 289.01 (44)<sup>X</sup> of the statutes is repealed.

15 **SECTION 80.** 292.65 (1) (g) of the statutes is amended to read:

16 292.65 (1) (g) "Groundwater" has the meaning given in s. ~~281.75 (1) (e)~~<sup>✓</sup> 299.01<sup>✓</sup>  
17 (5).

18 **SECTION 81.** 295.11 (10) of the statutes is amended to read:

19 295.11 (10) "Solid waste" means any garbage, refuse, sludge from a waste  
20 treatment plant, water supply<sup>✓</sup> treatment plant or air pollution control facility and  
21 other discarded or salvageable materials, including solid, liquid, semisolid, or  
22 contained gaseous materials resulting from industrial, commercial, mining and  
23 agricultural operations, and from community activities, but does not include solids  
24 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation  
25 return flows or industrial discharges which are point sources subject to permits

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**BILL**

1 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear  
2 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31  
3 (1).

4 **SECTION 82.** 299.07 (1) (a) 1. of the statutes is amended to read:

5 299.07 (1) (a) 1. A license or registration under s. ~~280.15~~ 280.24.

6 **SECTION 83.** 299.07 (1) (a) 2. of the statutes is amended to read:

7 299.07 (1) (a) 2. A certification under s. 280.20 or 281.17 (3).

8 **SECTION 84.** 299.08 (1) (a) 1. of the statutes is amended to read:

9 299.08 (1) (a) 1. A license or registration under s. ~~280.15~~ 280.24.

10 **SECTION 85.** 299.08 (1) (a) 2. of the statutes is amended to read:

11 299.08 (1) (a) 2. A certification under s. 280.20 or 281.17 (3).

12 **SECTION 86.** 299.11 (1) (d) 4. and 6. of the statutes are amended to read:

13 299.11 (1) (d) 4. The replacement of a well or provision of alternative water  
14 supplies under s. ~~281.75~~ or ~~281.77~~ 280.19 or 280.52.

15 6. The management or enforcement of the ~~safe drinking~~ water supply program  
16 under s. ~~280.13 (1) (b)~~ and ~~(d)~~ or ~~281.17 (8)~~ ch. 280.

17 **SECTION 87.** 443.14 (12m) of the statutes is amended to read:

18 443.14 (12m) A ~~well driller, as defined in s. 280.01 (7),~~ person licensed or  
19 registered under s. 280.24 who is engaged in well drilling, as defined in s. 280.01 (8)  
20 (16), well point driving, as defined in s. 280.01 (17), or constructing a drill hole, as  
21 defined in s. 280.01 (4), other than a well.

22 **SECTION 88.** 470.025 (9) of the statutes is amended to read:

23 470.025 (9) A ~~well driller, as defined in s. 280.01 (7)~~ person licensed or  
24 registered under s. 280.24, who is engaged in well drilling, as defined in s. 280.01 (8)

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(16), well point driving, as defined in s. 280.01 (17), or constructing a drill hole, as defined in s. 280.01 (4), other than a well.

**SECTION 89.** 893.80 (8) of the statutes is amended to read:

893.80 (8) This section does not apply to actions commenced under s. 19.37, 19.97 or ~~281.99~~ 280.50.

**SECTION 90. Nonstatutory provisions.**

(1) **CURRENT LICENSEES.** Notwithstanding section 280.24 (5) (b) of the statutes, as created by this act, the department of natural resources shall issue a well driller license to each individual registered as a well driller under section 280.15, ~~1999~~ <sup>2001</sup> stats., on January 1, 200~~2~~ <sup>1</sup>, and shall issue a pump installer license to each individual registered as a pump installer under section 280.15, ~~1999~~ <sup>2001</sup> stats., on January 1, 200~~2~~ <sup>1</sup>, without requiring the individual to take and pass an examination.

(2) **POSITION AUTHORIZATION.** The authorized FTE positions for the department of natural resources are increased by 3.0 PR positions to be funded from the appropriation under section 20.370 (4) (ai) of the statutes, as created by this act, for water supply management.

(3) **INITIAL TERMS OF MEMBERS OF COUNCIL.** Notwithstanding the length of term specified in section 15.347 (3) (a) of the statutes, as created by this act, the initial members of the council on wells and drill holes shall serve as follows:

(a) One of the members appointed under section 15.347 (3) (a) 1. of the statutes, one of the members appointed under section 15.347 (3) (a) 2. of the statutes, and one of the members appointed under section 15.347 (3) (a) 4. of the statutes, for terms expiring on July 1, 200~~3~~ <sup>6</sup>.

(b) One of the members appointed under section 15.347 (3) (a) 1. of the statutes, one of the members appointed under section 15.347 (3) (a) 2. of the statutes, one of

**BILL**

1 the members appointed under section 15.347 (3) (a) 3. of the statutes, and one of the  
2 members appointed under section 15.347 (3) (a) 4. of the statutes, for terms expiring  
3 on July 1, 2004.

4 (c) One of the members appointed under section 15.347 (3) (a) 1. of the statutes,  
5 one of the members appointed under section 15.347 (3) (a) 3. of the statutes, and the  
6 members appointed under section 15.347 (3) (a) 5. to 8. of the statutes, for terms  
7 ending on July 1, 2004.

**SECTION 91. Initial applicability.**

9 (1) PRIVATE WATER SYSTEM ABANDONMENT AND PLUMBING CONNECTION ORDINANCES.  
10 The treatment of section 66.0437 (2) (am) of the statutes first applies to ordinances  
11 enacted or modified on the effective date of this subsection.

**SECTION 92. Effective date.**

13 (1) This act takes effect on January 1, 2005.

14 (END)

DN Note  
↓

Insert 13-16, p. 1

-0989/1

Section #. 160.257 (1) (e) of the statutes is amended to read:

160.257 (1) (e) "Treated drinking water" means potable water that has been treated so that it complies with the primary drinking water standards promulgated under ~~ss. 280.11 and 281.17 (8)~~.

History: 2001 a. 109.

S. 280.050 (f) ✓



Section #. 160.257 (2)<sup>x</sup> of the statutes is amended to read:

160.257 (2) Notwithstanding s. 160.19 (1) and (2), the department is not required to promulgate or amend rules that define design or management criteria for aquifer storage and recovery systems to minimize the amount of a specified substance in groundwater or to maintain compliance with the preventive action limit for a specified substance, however, the department shall promulgate rules that define design or management criteria for aquifer storage and recovery systems to maintain compliance with drinking water standards promulgated under ~~ss. 280.11 and 281.17 (8)~~ <sup>s.</sup> 280.05(1)(f)<sup>x</sup>

History: 2001 a. 109.

end of insert 13-16

-0989

Insert A

LPS - from s.  
Section 280.25 of the statutes

280.15

280.25 Report on aquifer recovery system. (1) In this section:

- (a) "Aquifer storage and recovery system" has the meaning given in s. 160.257 (1).
- (b) "Municipal water system" has the meaning given in s. 160.257 (1) (c).

(2) The operator of a municipal water system that uses an aquifer storage and recovery system shall submit a report to the department, no later than the first day of the 60th month after beginning to operate the aquifer storage and recovery system, describing the experience that the operator has had with using the aquifer storage and recovery system.

History: 2001 a. 109.

(end ins A)

Insert B

-0989

Section #. 281.98 (2) of the statutes is amended to read:

\* 281.98 (2) In addition to the penalties provided under sub. (1) <sup>✓</sup> or s. ~~281.99 (2)~~, the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of a violation of this chapter, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subsection.

History: 1995 a. 227; 1997 a. 27; 1999 a. 147; 2001 a. 6, 109.

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

LRB-0989/1dn

RCT:.....

date

Jld

Dan Johnson:

This draft, relating to well drilling and water supply, is based on last session's LRB-3331/4. There are a few changes from last session's draft.

In 2001 <sup>Wisconsin</sup> Act 109, the Legislature created s. 280.25, relating to reports on aquifer recovery systems. This draft repeals and recreates ch. 280 and if I had made no change in last session's draft, current s. 280.25 would have been repealed. I have instead inserted the language of current s. 280.25 as proposed s. 280.15.

Also in 2001 Act 109, the Legislature enacted modifications to the earlier Truth in Sentencing legislation. This included classifying all of the felonies in the statutes. To make this draft consistent with that classification, I modified the language of proposed s. 280.49 (6) (b).

The effective date for last session's draft was January 1, 2003. I changed that to January 1, 2005, and adjusted the other dates in the draft accordingly. The other changes are minor corrections and clarifications.

If you have any questions or want any changes in the draft, please contact me.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.state.wi.us



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

LRB-0989/1dn  
RCT:jld:ch

January 21, 2003

Dan Johnson:

This draft, relating to well drilling and water supply, is based on last session's LRB-3331/4. There are a few changes from last session's draft.

In 2001 Wisconsin Act 109, the Legislature created s. 280.25, relating to reports on aquifer recovery systems. This draft repeals and recreates ch. 280 and if I had made no change in last session's draft, current s. 280.25 would have been repealed. I have instead inserted the language of current s. 280.25 as proposed s. 280.15.

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If you have any questions or want any changes in the draft, please contact me.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)

**Emery, Lynn**

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**From:** Sen.Kedzie  
**Sent:** Wednesday, April 02, 2003 8:43 AM  
**To:** Barman, Mike; LRB.Legal  
**Subject:** Fiscal Estimate request: LRB 0989

Dear Mike,

I would like to request a fiscal estimate for 2003 LRB 0989/1, relating to the regulation of drill holes, water quality and water systems. The bill has yet to be introduced and probably will not be until later this year. Given the state's current fiscal situation, I would like to determine if such a bill is feasible at this time.

Thank you very much.

Sincerely,

**Neal Kedzie**  
State Senator  
11th Senate District

## Tradewell, Becky

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**From:** Johnson, Dan (Legislature)  
**Sent:** Thursday, July 31, 2003 3:37 PM  
**To:** Tradewell, Becky  
**Subject:** LRB 0989/1 - well drillers legislation

Becky,

Please jacket for introduction LRB 0989/1, relating to the regulation of drill holes, water quality and water systems.

Thank you.

Dan Johnson  
**Office of State Senator Neal Kedzie**  
11th Senate District  
Room 313 South - State Capitol  
266-2635

## Tradewell, Becky

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**From:** Johnson, Dan (Legislature)  
**Sent:** Thursday, August 28, 2003 3:22 PM  
**To:** Tradewell, Becky  
**Subject:** Deletions from LRB 0989/1

Becky,

As per our discussion, below are the various deletions we would like to make from LRB 0989/1, relating to well drillers and pump installers. Thank you very much and please call if you have any questions.

Dan Johnson  
**Office of State Senator Neal Kedzie**  
11th Senate District  
266-2635

- ✓1. Page 9, line 19: delete "reasonable and"
- ✓2. Page 12, lines 1-6: delete lines 1-6
- ✓3. Page 26, lines 1-3: delete lines 1-3
- ✓4. Page 44, lines 2-3: delete "or to protect groundwater or surface water from contamination."
- ✓5. Page 44, lines 4-7: delete lines 4-7
6. Page 44, line 25: delete "if any" - *Note*
- ✓7. Page 45, lines 15-16: delete "or to prevent the contamination of groundwater"
- ✓8. Page 46, lines 4-6: delete "safety, or welfare, to the environment, or to the water resources or related land resources of this state."
- ✓9. Page 48, lines 6-20: delete lines 6-20 (Inspection authority) - *see S. 281.97*
- ✓10. Page 49, lines 3-9: delete lines 3-9
- ✓11. Page 49, line 10: delete "or (2)"

# Memo

To: Senator  Representative

**Kedzie**

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2003 draft.

LRB Number: LRB - 0989

Version: " / 1 "

Fiscal Estimate Prepared By: (agency abbr.) DA

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 04 / 02 / 2003

\* \* \* \* \*

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 \_\_\_\_\_

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Wednesday, April 02, 2003 3:46 PM  
**To:** Sen.Kedzie  
**Subject:** LRB-0989/1 (FE by DA - attached - for your review)



FE\_Kedzie.pdf

FE\_Kedzie.pdf



**Fiscal Estimate Narratives**

**DA 4/2/2003**

LRB Number 03-0989/1	Introduction Number	Estimate Type	<b>Original</b>
<b>Subject</b> Regulation of well drilling and water systems			

**Assumptions Used in Arriving at Fiscal Estimate**

It is not known how many, if any at all, DNR referrals will be made to district attorneys were this bill to become law.

**Long-Range Fiscal Implications**

Uncertain.



# Memo

To: Senator  Representative

**Kedzie**

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2003 draft.

LRB Number: LRB -0989

Version: " / 1 "

Fiscal Estimate Prepared By: (agency abbr.) DOJ

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 04 / 14 / 2003

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 \_\_\_\_\_

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Monday, April 14, 2003 10:54 AM  
**To:** Sen.Kedzie  
**Subject:** LRB-0989/1 (FE by DOJ - attached - for your review)



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FE\_Kedzie.pdf



## Fiscal Estimate Narratives

DOJ 4/14/2003

LRB Number 03-0989/1	Introduction Number	Estimate Type	Original
<b>Subject</b> Regulation of well drilling and water systems			

### Assumptions Used in Arriving at Fiscal Estimate

The Department of Justice (DOJ) does not anticipate that this legislation will result in any additional costs to the state, the DOJ or to local governments. As proposed by this legislation, enforcement of certain matters related to well drilling and water systems by citations and/or district attorneys is unlikely to result in any additional costs.

First, based upon current practice and historical data, DOJ anticipates that any increase in the number of citations issued in these matters will be diminimus. Second, given the nature of these violations, court challenges necessitating DOJ or DA court time are also expected to be infrequent. Finally, the forfeiture that can be assessed under the citation system is low enough that it will not be economically favorable to challenge the citation.

As a result of these factors and past experience, it is DOJ's assessment that the passage of this legislation should not increase the workload or costs for state or local prosecutors.

### Long-Range Fiscal Implications



## Fiscal Estimate Narratives

DNR 1/2/2004

LRB Number 03-0989/1	Introduction Number	Estimate Type	Original
<b>Subject</b>			
Regulation of well drilling and water systems			

### Assumptions Used in Arriving at Fiscal Estimate

#### Bill Summary:

This bill restructures and makes numerous changes in the laws relating to water systems, drinking water, withdrawal of groundwater, and wells and other similar excavations (drill holes). Under current law, DNR registers individuals and businesses who engage in the business of drilling wells to obtain water for human consumption and who engage in the business of installing pumps to withdraw water from wells. Under the bill, DNR issues licenses to individuals who engage in the following activities: well drilling (of wells to obtain groundwater for human consumption), well point driving, drilling of environmental (monitoring) wells, pump installation, and constructing specified types of drill holes (other than wells to obtain groundwater for human consumption), and inspection of water systems. Generally, an individual may not engage in one of those activities unless he or she is licensed or is supervised by another individual who is licensed. The bill prohibits a person from filling or sealing a well or other drill hole unless the person is licensed to install a pump in that kind of well or other drill hole or has a license for constructing that kind of well or other drill hole. The bill requires drilling rig operators and pump installer helpers to register with DNR. The bill creates the Council on Well Drilling and Pump Installing and requires DNR to consult with the council on matters including rule making.

#### State Fiscal Impact:

Note, because of the complexity of this bill, and time available for review, it is difficult to determine its full fiscal impact. The Department was able to identify and quantify some impacts as detailed below. However, other fiscal impacts associated with this bill may exist.

#### Estimated Expenditures:

The bill will increase costs to the Department by an estimated \$331,300 of salary and supplies related expenditures associated with 4.76 FTE. This estimate of fiscal impact includes costs associated with 1) facilitating and coordinating a council on well drilling, 2) processing approximately 400 new licensing and 1600 new registration applications, 3) holding and grading 12 additional exams, 4) processing 2000 license and registration renewals, 5) conducting 10 additional continuing education programs, and 6) conducting 24 disciplinary hearings.

Facilitate and Coordinate Council on Well Drilling: The Department estimates that it will take 0.5 FTE of Water Supply Specialist time to facilitate and coordinate the activities of the proposed Council on Well Drilling. This estimate is based on the amount of time currently spent with the Groundwater Coordinating Council.

Water Supply Specialist - Adv. (\$30.98/hr salary and fringe) x 2080 + \$5200 supplies related expenditures = \$69,600 x 0.5 FTE = \$34,800

Process Applications for New Licenses: The Department estimates that 400 additional licenses will be issued each year for environmental well drillers, geothermal well constructors, dewatering well constructors, elevator shaft constructors and water system inspectors. The Department estimates that it will take approximately 10 hrs. of water supply specialist time to review each license application, determine the applicants qualifications, and issue the license.

400 x 10 hrs /license application = 4000 hrs

4000 hrs. / 1800 hrs. per FTE = 2.22 FTE

Water Supply Specialist - Adv. (\$30.98/hr salary and fringe) x 2080 + \$5200 supplies related expenditures = \$69,600 x 2.22 FTE = \$154,500

Process Applications for New Registrations: The Department estimates that 1600 drilling rig operators and pump installer helpers will need to be registered each year. The Department estimates that it will take

approximately 0.25 hrs. of water supply specialist time to review each registration application, determine the applicants qualifications, and issue the registration.

1600 x .25 hrs /license application = 400 hrs

400 hrs. / 1800 hrs. per FTE = 0.22 FTE

Water Supply Specialist - Adv. (\$30.98/hr salary and fringe) x 2080 + \$5200 supplies related expenditures = \$69,600 x 0.22 FTE = \$15,300

Hold and Grade Exams: The Department estimates that 12 additional exams will be needed each year for environmental well drillers, geothermal well constructors, dewatering well constructors, elevator shaft constructors and water system inspectors. The Department estimates that it will take approximately 12 hrs. of water supply specialist time to hold and grade these exams.

12 Exams x 12 hrs /Exam = 144 hrs

144 hrs. / 1800 hrs. per FTE = 0.08 FTE

Water Supply Specialist - Adv. (\$30.98/hr salary and fringe) x 2080 + \$5200 supplies related expenditures = \$69,600 x 0.08 FTE = \$5,600

Process License Renewal: The Department estimates that 2000 additional license renewals will be needed each year for environmental well drillers, geothermal well constructors, dewatering well constructors, elevator shaft constructors and water system inspectors. The Department estimates that it will take approximately 0.2 hrs. of water supply specialist time to process these renewals.

2000 license renewals x 0.2 hrs /license = 400 hrs

400 hrs. / 1800 hrs. per FTE = 0.22 FTE

Water Supply Specialist - Adv. (\$30.98/hr salary and fringe) x 2080 + \$5200 supplies related expenditures = \$69,600 x 0.22 FTE = \$15,300

Conduct Continuing Education Sessions: The Department estimates that 10 additional continuing education sessions will be needed each year for environmental well drillers, geothermal well constructors, dewatering well constructors, elevator shaft constructors and water system inspectors. The Department estimates that it will take approximately 225 hrs. of water supply specialist time to conduct these sessions (based on past year 1,800 hrs. for 8 sessions, including staff time to develop the program, develop presentations, prepare handouts, travel to the sites, make presentations, take in and review evaluation forms).

10 continuing education sessions x 225 hrs /session = 2,250 hrs

2,250 hrs. / 1800 hrs. per FTE = 1.25 FTE

Water Supply Specialist - Adv. (\$30.98/hr salary and fringe) x 2080 + \$5200 supplies related expenditures = \$69,600 x 1.25 FTE = \$87,000

Conduct Disciplinary Hearings: The Department estimates that 24 disciplinary hearings against license holders will be conducted each year. The Department estimates that it will take approximately 20 hrs. of water supply specialist time to conduct these sessions.

24 disciplinary hearing x 20 hrs /hearing = 480 hrs

480 hrs. / 1800 hrs. per FTE = 0.27 FTE

Water Supply Specialist - Adv. (\$30.98/hr salary and fringe) x 2080 + \$5200 supplies related expenditures = \$69,600 x 0.27 FTE = \$18,800

One-Time Costs: The bill will increase costs to the Department by an estimated \$280,500 of salary and supplies related expenditures associated with 4.03 FTE. This estimate of fiscal impact includes costs associated with 1) developing new administrative codes, 2) develop new exams, and 3) Licensing DNR staff.

Develop New Administrative Codes: The Department estimates that it will take 2.5 FTE of Water Supply Specialist time to develop the new administrative codes needed to implement this legislation. This estimate is based on the amount of time spent on previous major code revisions.

Water Supply Specialist - Adv. (\$30.98/hr salary and fringe) x 2080 + \$5200 supplies related expenditures = \$69,600 x 2.5 FTE = \$174,000

Develop New Exams: The Department estimates that it will take 1.0 FTE of Water Supply Specialist time to develop the new exams needed to implement this legislation.

Water Supply Specialist - Adv. (\$30.98/hr salary and fringe) x 2080 + \$5200 supplies related expenditures =

$\$69,600 \times 1.0 \text{ FTE} = \$69,600$

Licensing DNR Staff: The Department estimates that 60 DNR staff will now need to be licensed because of this legislation. The Department estimates that it will take approximately 16 hrs. of time per Department staff to become licensed.

$60 \text{ Department Staff} \times 16 \text{ hrs /license} = 960 \text{ hrs}$

$960 \text{ hrs.} / 1800 \text{ hrs. per FTE} = 0.53 \text{ FTE}$

$\text{Water Supply Specialist - Adv. } (\$30.98/\text{hr salary and fringe}) \times 2080 + \$5200 \text{ supplies related expenditures} =$   
 $\$69,600 \times 0.53 \text{ FTE} = \$36,900$

#### Estimated Revenues:

The bill creates a new program revenue appropriation s. 20.370 (4) (ai). The revenues to this appropriation are to be fees collected to administer the water supply management activities. These activities are defined in the bill as fees for reviewing applications, licensing, administering certifications, registering, providing training, and administering and reviewing examinations. The bill does not establish a specific spending authority for this program revenue but rather gives the Department the authority to establish by rule the amounts to be charged for these activities and then expenditure authority would be available in the all monies received appropriation established by the bill. For the purposes of this analysis, it assumed that the program revenue created will be the amounts needed to carry out these activities.

The bill does provide position authority for 3.0 program revenue FTE to be funded from the fees collected under 20.370 (4) (ai). Given the assumptions of 1.0 Water Supply Specialist at \$69,600 per year, this would come to \$208,800 annually (\$193,200 salary and fringe and \$15,600 supplies). The 3.0 FTE provided is 1.76 FTE less than the number assumed to carry out the necessary work load associated with this bill. Again, it is assumed that through rules promulgation that the program revenue collected will fund the necessary 4.76 positions to carry out the activities of the bill.

#### Estimated Lost Revenue:

This bill creates a new PR appropriation and a mechanism to collect the fees for activities. It is assumed that fees already collected for pump installer licenses and for well driller licenses, which are collected under the Drinking and Groundwater GPR-earned appropriation will be transferred to the new appropriation. This will result in an estimated loss of \$47,000 for pump licenses and \$24,000 for driller licenses, for a total of \$71,000, of GPR-earned funding.

#### Local Fiscal Estimate:

Under the county ordinances section of this bill, it is stated that the Department may charge a fee to provide training and technical assistance to county employees. This fee is to be set by rule and shall be deposited in the new program revenue appropriation. In addition to this fee, some of the other aforementioned fees may be charges to local government employees and/or paid by local municipal government, and deposited into the program revenue account. It is not possible to determine the fiscal effect of this bill on local governments, it is only possible to state that there will be an increase in costs to them in the form of fees paid for services administered by the Department.

#### Long-Range Fiscal Implications



## Fiscal Estimate Worksheet - 2003 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 03-0989/1		<b>Introduction Number</b>	
<b>Subject</b>			
Regulation of well drilling and water systems			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
The bill will increase one-time costs to the Department by an estimated \$280,500 of salary and supplies related expenditures associated with 4.03 FTE. This estimate of fiscal impact includes costs associated with 1) developing new administrative codes, 2) develop new exams, and 3) Licensing DNR staff.			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
	State Operations - Salaries and Fringes	\$306,500	
	(FTE Position Changes)	(4.8 FTE)	
	State Operations - Other Costs	24,800	
	Local Assistance		
	Aids to Individuals or Organizations		
	<b>TOTAL State Costs by Category</b>	<b>\$331,300</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
	GPR		
	FED		
	PRO/PRS	331,300	
	SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		-71,000
	FED		
	PRO/PRS	331,300	
	SEG/SEG-S		
	<b>TOTAL State Revenues</b>	<b>\$331,300</b>	<b>\$-71,000</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		State	Local
NET CHANGE IN COSTS		\$331,300	\$
NET CHANGE IN REVENUE		\$260,300	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
DNR/ Joe Polasek (608) 266-2794		Joe Polasek (608) 266-2794	
		<b>Date</b>	
		12/30/2003	