

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SB244)**

Received: **11/11/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **Peter Kammer**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - water quality**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kedzie@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Various changes

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**Instructions:**

See Attached

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**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>
/?							
/1	btradewe 11/12/2003	wjackson 11/12/2003	jfrantze 11/13/2003	_____	lemery 11/13/2003	lemery 11/13/2003	
		wjackson 11/13/2003		_____			
				_____			

FE Sent For:

<END>

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/?	btradewe	1 WJ 11/13	Jo 11/13	Jo/R 11/13			

FE Sent For:

<END>

To: Becky Tradewell  
From: Peter Kammer  
Date: Nov. 10, 2003

Re: Amendment to SB 244

Becky,

The changes below reflect 95% of the changes we will make to SB 244. I should have the remaining changes (if any) in the next 24-48 hours. I'd like to get the finished amendment to the various interests as soon as possible because the bill is now scheduled for a hearing on November 20<sup>th</sup>.

Please take a look at the changes below. I'll follow up with you to get an idea on how long you think it will take to have the an amendment ready. Thank you for your help.

Changes to SB 244 are as follows:

1. Page 7, line 15. Delete "bacteria" and replace it with "contaminants".
2. Page 9, line 12. Delete "bacteria" and replace it with "contaminants".
3. Page 9, line 16. Delete "bacteriologically safe" and replace with "producing safe water".
4. Page 9, line 17. After the word "chapter" add "and the well owner demonstrates a need for continued current use of the well".
5. Page 19, lines 11-15. Delete "do any act necessary to safeguard the public health and to protect groundwater and surface water, including any of the following:". Delete "is no less stringent than" replace with "meets".
6. Page 19, line 14-15, delete "is no less stringent than" and replace it with "meets".
7. Page 20, lines 14-15. Delete all.
8. Page 21, lines 7-8. Delete "and the location of potential contamination sources in relation to existing or proposed wells and other drill holes".
9. Page 21, line 21. Insert "these" after "administering".
10. Page 22, line 14. Insert "subchapter III of" after "of".

*See  
note from  
computer*

see  
note

11. Page 23, lines 8-9. Delete "or any other water system identified by the department by rule as requiring approval".
12. Page 24, line 7. After (b) delete "does not apply" insert "may be extended by agreement with the owner".
13. Page 24, between lines 12 and 13, add "The extension may not exceed six months."
14. Page 41, line 9, replace "contaminated" with "unsafe because of presence of contaminants".
15. Page 42, lines 1-4, delete.
16. Page 43, lines 20-22. Delete "which may include repair, replacement, reconstruction, abandonment, or discontinuance of use, in a designated manner to protect public health, safety, or welfare". Replace with "necessary to ensure compliance with this chapter and rules promulgated under this chapter".
17. Page 46, lines 4 and 5, delete "that it prescribes" and replace it with necessary to remedy the violation.
18. Page 47, line 23. After the word "hour" insert "request permission to".
19. Page 48, line 19. After the word "may" insert "request permission to".
20. Page 48, between lines 22 and 23 insert "(4) If an owner refuses to provide a sample under sub. (1), the department's authorized representative may obtain a special inspection warrant to obtain a sample as provided under s. 66.0119.  
  
(5) No person may refuse to permit an authorized representative of the department who, at a reasonable hour, presents a special inspection warrant and appropriate identification to enter the person's property to take samples.
21. Page 50, lines 11-17, delete all.
22. Page 55, lines 5-11. Delete "assure preservation of". After the word "health" delete "comfort". Delete "city, village or town or town sanitary district having a system of waterworks or sewerage, or both, may". Line 9, after the word "sewer" delete "or water". Lines 9 and 10, delete "or in a

see  
note

block through which one or both of these systems extend” and “with either or both”.

see  
note

23. Page 55, lines 5 through 11, go back to the original language.

**Tradewell, Becky**

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**From:** Peter Kammer [pkammer@patrickessie.com]  
**Sent:** Tuesday, November 11, 2003 10:54 AM  
**To:** Tradewell, Becky  
**Subject:** RE: Amendment instructions for SB 244 (Kedzie)

Becky,  
I'll call you this afternoon. By then I will hopefully have everything and we can clarify any questions.

Thanks.

-----Original Message-----

**From:** Tradewell, Becky [mailto:Becky.Tradewell@legis.state.wi.us]  
**Sent:** Tuesday, November 11, 2003 9:59 AM  
**To:** Peter Kammer  
**Subject:** RE: Amendment instructions for SB 244 (Kedzie)

Peter,

I do not think that the amendment will take very long to draft. There are, however, a couple of items in the instructions that I will need to talk to you about. And, of course, I will not be able to tell when the amendment can be completed until I know that I have all of the instructions.

Becky Tradewell  
Managing Attorney  
Legislative Reference Bureau  
266-7290

-----Original Message-----

**From:** Peter Kammer [mailto:pkammer@patrickessie.com]  
**Sent:** Monday, November 10, 2003 1:01 PM  
**To:** becky.tradewell@legis.state.wi.us  
**Subject:** Amendment instructions for SB 244 (Kedzie)

Becky,

The attachedment contains the changes for the amendment to SB 244.

Thanks.

This bill is scheduled for a Nov. 20th hearing.

<<Kedzie Amend.doc>>

Peter Kammer  
Director of Policy / Legal Counsel  
Essie Consulting Group  
16 N. Carroll St., Ste. 900  
Madison, WI 53703  
(608)256-7701  
pkammer@patrickessie.com

**Tradewell, Becky**

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**From:** Peter Kammer [pkammer@patrickessie.com]  
**Sent:** Tuesday, November 11, 2003 3:40 PM  
**To:** becky.tradewell@legis.state.wi.us  
**Subject:** Remaining changes to SB 244



Kedzie Amend  
II.doc

Becky,

Here are the remaining changes for the amendment to SB 244.

<<Kedzie Amend II.doc>>

Peter Kammer  
Director of Policy / Legal Counsel  
Essie Consulting Group  
16 N. Carroll St., Ste. 900  
Madison, WI 53703  
(608)256-7701  
pkammer@patrickessie.com



To: Becky Tradewell  
From: Peter Kammer  
Date: Nov. 11, 2003

Re: Amendment to SB 244 – additional changes

Becky,

Here are the remaining changes to SB 244:

1. Page 16, line 24, after “surface” insert “and does not include building foundation components.”
2. Page 22, line 17, after “opening” insert “and does not include building foundation components.”
3. Page 31, lines 13-15, delete and replace with, “(f) Except as provided under sub. (3), no individual may inspect a municipal water system, as defined in s. 160.257(1)(c), unless he or she holds a water system inspector license, and no individual may inspect a water system other than a municipal water system, unless he or she holds a water system inspector license or a well driller license.”
4. Page 36, line 6-13, after “(1)” insert “Except as provided under sub. (4)...”. After “(2)” insert “Except as provided under sub. (4)...”. After “(3)” insert “Except as provided under sub. (4)...”. At the end of line 13 insert “(4) A certified water operator may abandon a well or drill hole located within the existing service area of a municipal water system, as defined in s. 160.257 (1) (c).”
5. Page 47, line 11, after “deeds” insert “within a reasonable time period.”
6. Page 47, line 19, after “correction” insert “within a reasonable time period.”

# ESSIE CONSULTING GROUP

## FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Becky Tradewell

Peter Kammer

COMPANY:

DATE:

NOVEMBER 11, 2003

FAX NUMBER:

TOTAL NO. OF PAGES INCLUDING COVER:

264-6948

2

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE:

YOUR REFERENCE NUMBER:

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

Please take a look at these suggested changes from Commerce and let me know your thoughts.

Thanks.

16 NORTH CARROLL STREET, #900, MADISON, WI 53703  
PHONE: 608-256-7701  
FAX: 608-251-8192

To Peter Karmm  
From Lyneta Dock

Section 29.

Commerce recommends revision of the plumbing statute language to:  
"Plumbing from the private water supply pump to and including the initial pressure tank or building control valve and connection to existing water distribution system, when installed by persons licensed as pump installers under s. 280.24."

Section 40.

Although the Department of Commerce technical staff appreciate the language of 280.01 (1) that clarifies the authority of the Department of Natural Resources concerning water systems and also recognizes the authority of the Department of Commerce, we propose that the term "water services" replace "service pipes from a distribution main to a building" and also "private distribution mains located entirely on private property" be replaced with "private water mains." Both of these terms are defined in the Wisconsin Uniform Plumbing Code, Chapter 81.

If the rule could be amended to link the terms to the Commerce definitions in Chapter 81 or if Chapter 280 definitions could include water services and private water mains, much confusion could be avoided.

"Water service means that portion of a water supply system from the water main or private water supply to the building control valve." S. Comm 81.01 (282)

"Private water main means a water main serving 2 or more buildings and not part of the municipal water system." S. Comm 81.01 (195)

We recommend the language in 280.01 (1) be amended to read: "'Community water system" does not include piping and fixtures inside a building served by the water system, water services or private water mains as defined in Comm 81."

In the same light, we recommend that 280.01 (14) be amended to read: "'Water system" means all structures, conduits and appurtenances by means of which water is delivered to consumers except piping and fixtures inside buildings served, water services and private water mains as defined in Comm 81."

280.03 should be revised to read: "The department has general supervision and control over all drill holes, water systems and methods of withdrawing groundwater. In connection with this authority, the department may do any act necessary to safeguard the public health and protect the groundwater and surface water, including any of the following: . . ."

A question under 280.49 (2). Why would the Department of Natural Resources include individuals licensed under ch. 145? Not all plumbing personnel are "licensed", some are registered or listed. We recommend (2) be amended to exclude those licensed under chapter 145.

11/11/03 Discussion w. Peter Kammer about the drafting instructions dated 11/10:

# 6 - Do not do this because it is current law 281.17(8)

# 11 - Do not do this because it would narrow MNR authority compared to current law (s. 281.41)

# 12 - Do not do this because it doesn't work + because the language in the bill is like current law - 281.15(2).

✓ #s 22+23 - Ignore # 22. OK to do some modernization in the current law.

Also - redrafting instruction dated 11/11:

# 1 refers to the excavation needed to lay a foundation

✓ Change title of ch 281 to water resources not "pollution"

He is sending over some Commerce concerns - would like to discuss them when I've had a chance to look at them.

PK

11/12/03 Only do the requested change to s. 280.03 of the items Commerce requested

*Wanted Thursday*

*W LJ*

**SENATE AMENDMENT ,  
TO 2003 SENATE BILL 244**

1           At the locations indicated, amend the bill as follows:

2           ✓ **1.** Page 7, line 15: substitute “contaminants” for “bacteria”.

3           ✓ **2.** Page 9, line 12: after “unused” insert “, is unneeded, ”.

4           ✓ **3.** Page 9, line 12: substitute “contaminants” for “bacteria”.

5           ✓ **4.** Page 9, line 16: delete “bacteriologically safe” and substitute “producing  
6 safe water”.

7           ✓ **5.** Page 9, line 17: after “chapter” insert “and if the owner of the well  
8 demonstrates a need for continued use of the well”.

9           ✓ **6.** Page 16, line 24: after “surface” insert “, except that “drill hole” does not  
10 include an excavation constructed for the purpose of laying a foundation for a  
11 building”.

1       ↓ **7.** Page 19, line 9: delete the material beginning with “methods” and ending  
2 with “purposes” on line 11 and substitute “and methods of withdrawing  
3 groundwater”.

4       ↓ **8.** Page 19, line 11: delete the material beginning with “any” and ending with  
5 “including” on line 13.

6       ↓ **9.** Page 20, line 14: delete lines 14 and 15.

7       ↓ **10.** Page 21, line 7: delete the material beginning with “and” and ending with  
8 “holes” on line 8.

9       ↓ **11.** Page 21, line 21: after “administering” insert “these”.

10      ↓ **12.** Page 22, line 14: after “of” insert “subch. III of”.

11      ↓ **13.** Page 22, line 17: after “opening” insert “, except that “drill hole” does not  
12 include an excavation constructed for the purpose of laying a foundation for a  
13 building”.

14      ↓ **14.** Page 24, line 7: delete “does not apply” and substitute “may be extended,  
15 by not more than 6 months, by agreement with the owner”.

16      ↓ **15.** Page 31, line 13: delete lines 13 to 15 and substitute:

17       “(f) 1. Except as provided under sub. (3),<sup>✓</sup> no individual may inspect a municipal  
18 water system, as defined in s. 160.257 (1) (c),<sup>✓</sup> unless he or she holds a water system  
19 inspector license.

20       2. Except as provided under sub. (3),<sup>✓</sup> no individual may inspect a water system  
21 other than a municipal water system, as defined in s. 160.257 (1) (c),<sup>✓</sup> unless he or she  
22 holds a water system inspector license or a well driller license.”.

1        ✓ **16.** Page 36, line 6: delete “No” and substitute “Except as provided in sub. (4),  
2 no”.

3        ✓ **17.** Page 36, line 9: delete “No” and substitute “Except as provided in sub. (4),  
4 no”.

5        ✓ **18.** Page 36, line 11: delete “No” and substitute “Except as provided in sub. (4),  
6 no”.

7        **19.** Page 36, line 13: after that line insert:

8        (8) ✓ **(4)** A water system operator certified under s. 280.20 may fill or seal a well or  
9 other drill hole located within the service area of a municipal water system, as  
10 defined in s. 160.257 (1) (c). ✓

11        ✓ **20.** Page 41, line 9: delete “contaminated” and substitute “unsafe because of  
12 the presence of contaminants”.

13        ✓ **21.** Page 42, line 1: delete lines 1 to 4.

14        ✓ **22.** Page 43, line 20: delete the material beginning with “, which” and ending  
15 with “welfare” on line 22 and substitute “that are necessary to ensure compliance  
16 with this chapter and rules promulgated under this chapter”.

17        ✓ **23.** Page 47, line 11: after “deeds” insert “within a reasonable time”.

18        ✓ **24.** Page 47, line 19: after “correction” insert “within a reasonable time”.

19        ✓ **25.** Page 47, line 23: after “hour” insert “request permission to”.

20        ✓ **26.** Page 48, line 19: delete “enter the person’s” and substitute “request  
21 permission to enter the”.

22        ✓ **27.** Page 48, line 22: after that line insert:

1           “(4) If an owner refuses to authorize the department to enter the owner’s  
 2 property to take a sample under sub. (3), the department’s authorized representative  
 3 may obtain a special inspection warrant, as provided under s. 66.0119, to enter the  
 4 <sup>owner’s</sup> ~~person’s~~ property to obtain a sample.

5           (5) No owner may refuse to permit an authorized representative of the  
 6 department who, at a reasonable hour, presents a special inspection warrant and  
 7 appropriate identification to enter the owner’s property to take a sample.”

→ #. Page 50, line 6: delete “(a)”

8           **28.** Page 50, line 11: delete lines 11 to 17.

9           **29.** Page 50, line 22: delete “**POLLUTION**” and substitute “**RESOURCES**”.

10          **30.** Page 55, line 5: delete lines 5 to 11 and substitute:

11          “**281.45 House connections.** To assure preservation of public health,  
 12 comfort, and safety, any city, village or town, or town sanitary district ~~having a~~  
 13 ~~system of waterworks or sewerage, or both,~~ with a sewerage system or a water  
 14 system may by ordinance require buildings used for human habitation and located  
 15 adjacent to a sewer or water main, or in a block through which one or both of these  
 16 systems extend, to be connected with either or both in the manner prescribed by the  
 17 city, village, town, or town sanitary district. If any person fails to comply with the”

plain

History: 1979 c. 110 s. 60 (13); 1979 c. 221; 1983 a. 150; 1995 a. 227 s. 407; Stats. 1995 s. 281.45.

(END)