

State of Wisconsin



2011 Senate Bill 156

Date of enactment: **March 23, 2012**

Date of publication*: **April 6, 2012**

2011 WISCONSIN ACT 150

AN ACT *to renumber* 280.15 (2m) (f) 1. and 2.; *to renumber and amend* 280.01 (2m), 280.13 (6), 280.15 (2m) (b), 280.15 (2m) (f) (intro.) (except 280.15 (2m) (f) (title)) and 280.15 (3g) (b); *to amend* 59.70 (1), 59.70 (6) (title), 59.70 (6) (b), 280.01 (8), 280.13 (1) (intro.), 280.13 (1) (a), 280.13 (1) (e), 280.13 (2) (intro.), 280.13 (2) (d), 280.15 (title), 280.15 (1) (a) (intro.), 280.15 (1) (a) 1., 280.15 (1) (a) 2., 280.15 (1) (a) 3., 280.15 (1) (am), 280.15 (1) (b), 280.15 (1) (c), 280.15 (1) (d) 1., 280.15 (1) (d) 3., 280.15 (2m) (title), 280.15 (2m) (a), 280.15 (2m) (c) 1., 280.15 (2m) (f) (title), 280.15 (2m) (g) 1., 280.15 (2m) (g) 2., 280.15 (3r) (a), 280.15 (4), 280.30 (title), 280.30 (2) (a), 280.30 (2) (b), 280.30 (3) (a), 280.98 (2), 443.14 (12m) and 470.025 (9); *to repeal and recreate* chapter 280 (title) and 280.30 (2) (title); and *to create* 280.01 (2b), 280.01 (2c), 280.13 (1) (cm), 280.13 (6) (b), 280.15 (2m) (am), 280.15 (2m) (f) 2m. and 280.30 (2m) of the statutes; **relating to:** regulation of persons engaged in drilling wells and heat exchange drillholes and granting rule-making authority.

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

SECTION 1. 59.70 (1) of the statutes is amended to read:

59.70 (1) BUILDING AND SANITARY CODES. The board may enact building and sanitary codes, make necessary rules and regulations in relation thereto and provide for enforcement of the codes, rules and regulations by forfeiture or otherwise. The codes, rules and regulations do not apply within municipalities which have enacted ordinances or codes concerning the same subject matter. "Sanitary code" does not include a private sewage system ordinance enacted under sub. (5). "Building and sanitary codes" does not include well code or heat exchange drillhole ordinances enacted under sub. (6).

SECTION 2. 59.70 (6) (title) of the statutes is amended to read:

59.70 (6) (title) OPTIONAL WELL CODE AND HEAT EXCHANGE DRILLHOLE ORDINANCES.

SECTION 3. 59.70 (6) (b) of the statutes is amended to read:

59.70 (6) (b) *Permits.* If authorized by the department under s. 280.21 (1), a county may enact and enforce a well construction, heat exchange drillhole construction, or pump installation ordinance or both. Provisions of the ordinance shall be in strict conformity with ch. 280 and with rules of the department under ch. 280. The ordinance may require that a permit be obtained before construction, installation, reconstruction or rehabilitation of a private well or installation or substantial modification of a pump on a private well, other than replacement of a pump with a substantially similar pump. The county may establish a schedule of fees for issuance of the permits and for related inspections. The department, under s. 280.21 (4), may revoke the authority of a county to enforce its ordinance if the department finds that the ordinance or enforcement of the ordinance does not conform to ch. 280 and rules of the department under ch. 280.

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 4. Chapter 280 (title) of the statutes is repealed and recreated to read:

CHAPTER 280
WELL DRILLING, HEAT EXCHANGE
DRILLING, AND PUMP INSTALLING

SECTION 5. 280.01 (2b) of the statutes is created to read:

280.01 (2b) “Heat exchange drillhole” means an excavation or opening in the ground that is deeper than it is wide, that extends more than 25 feet below the ground surface, and that is made for the purpose of installing a geothermal closed-loop heat exchange system.

SECTION 6. 280.01 (2c) of the statutes is created to read:

280.01 (2c) “Heat exchange drilling” means the industry and procedure employed in making heat exchange drillholes.

SECTION 7. 280.01 (2m) of the statutes is renumbered 280.01 (2d) and amended to read:

280.01 (2d) “Licensed well driller” means any individual who has paid the annual license fee under s. 280.15 (2m) (c) 1. and obtained a license under s. 280.15 (2m) as a well driller.

SECTION 8. 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 by digging, boring, drilling, driving or other methods but not including the driving of points for the purpose of obtaining ground water. It shall also include all construction work and installation of well casings in said well involved therein for the protection of such well water against pollution.

SECTION 9. 280.13 (1) (intro.) of the statutes is amended to read:

280.13 (1) (intro.) The department may exercise such powers, and may promulgate such rules, as are reasonably necessary to carry out and enforce the provisions of this chapter. It may, among other things:

SECTION 10. 280.13 (1) (a) of the statutes is amended to read:

280.13 (1) (a) Employ a competent supervisor to supervise and inspect all well drilling, heat exchange drilling, and pump installing operations and aid in the enforcement of all laws and rules governing the well drilling, heat exchange drilling, and pump installing industries. The department may also employ assistants, prescribe their respective qualifications and salaries and assign their duties.

SECTION 11. 280.13 (1) (cm) of the statutes is created to read:

280.13 (1) (cm) Enter and inspect at reasonable hours heat exchange drillholes and equipment relating to the construction of heat exchange drillholes on private or public property and order necessary corrections and repairs relating to that construction or may order discon-

tinuances of any heat exchange drillhole and its use if found contaminated or polluted.

SECTION 12. 280.13 (1) (e) of the statutes is amended to read:

280.13 (1) (e) Prepare and cause to be printed any codes, bulletins or other documents that the department determines are necessary for the safety of the public health and the betterment of the industries, and furnish copies of those documents to licensed well drillers, licensed pump installers and to the public upon request.

SECTION 13. 280.13 (2) (intro.) of the statutes is amended to read:

280.13 (2) (intro.) The department may on its own motion make investigations and conduct hearings and may, on its own motion or upon complaint in writing, duly signed and verified by the complainant, and upon not less than 10 days’ notice to the licensed ~~well or regis-~~tered driller or licensed ~~or registered~~ or registered pump installer, suspend or revoke as provided in subs. (3) and (4) any well driller’s or pump installer’s license or registration if the department has reason to believe or finds that the holder of the license or registration has done any of the following:

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

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

SECTION 15. 280.13 (6) of the statutes is renumbered 280.13 (6) (a) and amended to read:

280.13 (6) (a) No individual whose driller license has been revoked under this section may, during the period in which the revocation is effective, engage in any well drilling ~~or pump installing~~ activity for which the license was issued except under the direct supervision of ~~a licensed well driller or licensed pump installer~~ an individual holding a license to conduct that activity and as an employee of a licensed well driller, ~~a licensed pump installer, or a registered well drilling business, or a registered pump installing business.~~

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

280.13 (6) (b) No individual whose pump installer’s license has been revoked under this section may, during the period in which the revocation is effective, engage in any pump installing activity except under the direct supervision of an individual holding a pump installer’s license and as an employee of a licensed pump installer or registered pump installing business.

SECTION 17. 280.15 (title) of the statutes is amended to read:

280.15 (title) **Well-drilling Drilling and pump installing; registration; licensing; qualifications; fee.**

SECTION 18. 280.15 (1) (a) (intro.) of the statutes is amended to read:

280.15 (1) (a) *Registration requirement.* (intro.) No person may engage in the business of well drilling or ~~pump installing~~ heat exchange drilling in this state unless the person obtains registration under this paragraph as a well drilling business ~~or, and no person may engage in the business of pump installing in this state unless the person obtains registration under this paragraph as a~~ pump installing business, except as follows:

SECTION 19. 280.15 (1) (a) 1. of the statutes is amended to read:

280.15 (1) (a) 1. An individual who is a licensed well driller or a licensed pump installer is not required to obtain registration.

SECTION 20. 280.15 (1) (a) 2. of the statutes is amended to read:

280.15 (1) (a) 2. An individual who is employed by ~~or works under contract with~~ a licensed well driller or a licensed pump installer is not required to obtain registration.

SECTION 21. 280.15 (1) (a) 3. of the statutes is amended to read:

280.15 (1) (a) 3. An individual who is employed by ~~or works under contract with~~ a person who is registered under this paragraph is not required to obtain registration.

SECTION 22. 280.15 (1) (am) of the statutes is amended to read:

280.15 (1) (am) *Prerequisite.* The department may not grant registration under par. (a) to a person to engage in the business of well drilling or heat exchange drilling unless the person is a licensed well driller, a licensed well driller has an ownership interest in the business, or the person employs or contracts with a licensed well driller. The department may not grant registration under par. (a) to a person to engage in the business of pump installing unless the person is a licensed pump installer, a licensed pump installer has an ownership interest in the business, or the person employs or contracts with a licensed pump installer.

SECTION 23. 280.15 (1) (b) of the statutes is amended to read:

280.15 (1) (b) *Application.* A person who seeks to register a well drilling business or pump installing business shall apply to the department for registration of each place of business or retail outlet he or she operates as a well drilling business, or pump installing business, or both, upon forms prepared by the department for this purpose. The application shall be accompanied by a registration fee for each place of business or retail outlet included in the application.

SECTION 24. 280.15 (1) (c) of the statutes is amended to read:

280.15 (1) (c) *Renewal.* In order to retain registration as a well drilling business or pump installing business a person shall apply for registration renewal and pay the

required registration fees annually on or before January 1.

SECTION 25. 280.15 (1) (d) 1. of the statutes is amended to read:

280.15 (1) (d) 1. ~~Well drilling~~ Drilling business, \$50.

SECTION 26. 280.15 (1) (d) 3. of the statutes is amended to read:

280.15 (1) (d) 3. ~~Well drilling~~ Drilling business and pump installing business, \$75.

SECTION 27. 280.15 (2m) (title) of the statutes is amended to read:

280.15 (2m) (title) ~~WELL-DRILLER~~ DRILLER AND PUMP INSTALLER LICENSING.

SECTION 28. 280.15 (2m) (a) of the statutes is amended to read:

280.15 (2m) (a) *Application.* An individual who seeks a well driller or pump installer license shall apply to the department on a form prepared by the department. The individual shall include the fee specified in par. (c) with the application.

SECTION 29. 280.15 (2m) (am) of the statutes is created to read:

280.15 (2m) (am) *Activities authorized under driller license.* In issuing a driller license under this subsection, the department may specify that the license is limited to the authority to engage only in well drilling or to the authority to engage only in heat exchange drilling.

SECTION 30. 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 department shall require continuing education specific to well drilling for individuals seeking to retain a driller license that authorizes well drilling and shall require continuing education specific to heat exchange drilling for individuals seeking to retain a driller license that authorizes heat exchange drilling.

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

SECTION 31. 280.15 (2m) (c) 1. of the statutes is amended to read:

280.15 (2m) (c) 1. ~~Well driller~~ Driller, \$50.

SECTION 32. 280.15 (2m) (f) (title) of the statutes is amended to read:

280.15 (2m) (f) (title) *Prerequisites for well driller license.*

SECTION 33. 280.15 (2m) (f) (intro.) (except 280.15 (2m) (f) (title)) of the statutes is renumbered 280.15 (2m) (f) 1m. (intro.) and amended to read:

280.15 (2m) (f) 1m. (intro.) The department may not issue a well driller license that authorizes well drilling unless all of the following apply:

SECTION 34. 280.15 (2m) (f) 1. and 2. of the statutes are renumbered 280.15 (2m) (f) 1m. a. and b.

SECTION 35. 280.15 (2m) (f) 2m. of the statutes is created to read:

280.15 (2m) (f) 2m. The department may not issue a driller license that authorizes heat exchange drilling unless all of the following apply:

a. The applicant demonstrates competency in heat exchange drilling by passing an examination administered by the department.

b. Except as provided in par. (g), the applicant has been a registered drilling rig operator for at least 2 years within the 5 years before applying, has complied with training and continuing education requirements under sub. (3g), and has the heat exchange drilling experience required by the department by rule.

SECTION 36. 280.15 (2m) (g) 1. of the statutes is amended to read:

280.15 (2m) (g) 1. The department may issue a well driller license to an applicant who does not comply with par. (f) 2. 1m. b. or 2m. b. if the applicant complies with par. (f) 1. 1m. a. or 2m. a. and holds a well driller license in good standing from another state and the department determines that the other state has laws and rules governing well drilling and heat exchange drilling and licensing of well drillers and heat exchange drillers that are substantially similar to this state's laws and rules.

SECTION 37. 280.15 (2m) (g) 2. of the statutes is amended to read:

280.15 (2m) (g) 2. The department shall establish alternative requirements to par. (f) 2. 1m. b. for applicants who have gained well drilling experience before June 1, 2008. The department shall establish alternative requirements to par. (f) 2m. b. for applicants who have gained heat exchange drilling experience before the effective date of this subdivision ... [LRB inserts date].

SECTION 38. 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 department shall require continuing education specific to well drilling for individuals seeking to retain a drilling rig operator's registration that authorizes well drilling and shall require continuing education specific to heat exchange drilling for individuals seeking to retain a drilling rig operator's registration that authorizes heat exchange drilling.

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

SECTION 39. 280.15 (3r) (a) of the statutes is amended to read:

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

SECTION 40. 280.15 (4) of the statutes is amended to read:

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

SECTION 41. 280.30 (title) of the statutes is amended to read:

280.30 (title) Well and heat exchange drillhole abandonment and; property transfer inspections.

SECTION 42. 280.30 (2) (title) of the statutes is repealed and recreated to read:

280.30 (2) (title) WELL ABANDONMENT.

SECTION 43. 280.30 (2) (a) of the statutes is amended to read:

280.30 (2) (a) The individual is a licensed well driller who is authorized by the department to engage in well drilling or licensed pump installer.

SECTION 44. 280.30 (2) (b) of the statutes is amended to read:

280.30 (2) (b) The individual is under the supervision of a licensed well driller who is authorized by the department to engage in well drilling or licensed pump installer or the individual is under the supervision of a water system operator certified under s. 281.17 (3) and the well is within the service area of the local governmental water system for which the certified operator works. The licensed or certified individual is not required to be present during the filling or sealing.

SECTION 45. 280.30 (2m) of the statutes is created to read:

280.30 (2m) HEAT EXCHANGE DRILLHOLE ABANDONMENT. An individual may not fill or seal a heat exchange drillhole unless the individual is a licensed driller who is authorized by the department to engage in heat exchange drilling.

SECTION 46. 280.30 (3) (a) of the statutes is amended to read:

280.30 (3) (a) An individual may not for compensation, in contemplation of a transfer of real property, conduct an inspection of the real property for the purpose of locating or evaluating water supply wells or pressure systems on the real property unless the individual is a

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licensed well driller who is authorized by the department to engage in well drilling or a licensed pump installer.

SECTION 47. 280.98 (2) of the statutes is amended to read:

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

SECTION 48. 443.14 (12m) of the statutes is amended to read:

443.14 (12m) A well driller who is licensed under s. 280.15 (2m), or an employee of a well drilling business

that is registered under s. 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8), or heat exchange drilling, as defined in s. 280.01 (2c).

SECTION 49. 470.025 (9) of the statutes is amended to read:

470.025 (9) A well driller who is licensed under s. 280.15 (2m), or an employee of a well drilling business that is registered under s. 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8), or heat exchange drilling, as defined in s. 280.01 (2c).

SECTION 50. Effective date.

(1) This act takes effect on the first day of the 36th month beginning after publication.
