

SENATE BILL 156 (LRB -2260)

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

2011

- 07-22. S. Introduced by Senators **Kedzie, Olsen and Taylor**; cosponsored by Representatives **A. Ott, Brooks, Clark, Petryk and Spanbauer**.
- 07-22. S. Read first time and referred to committee on Natural Resources and Environment 399
- 08-12. S. Fiscal estimate received.

2012

- 03-07. S. Senate substitute amendment 1 offered by Senator Kedzie (**LRB s0395**) 773
- 03-09. S. Public hearing held.
- 03-09. S. Executive action taken.
- 03-09. S. Report adoption of Senate Substitute Amendment 1 recommended by committee on Natural Resources and Environment, Ayes 7, Noes 0 783
- 03-09. S. Report passage as amended recommended by committee on Natural Resources and Environment, Ayes 7, Noes 0 783
- 03-09. S. Available for scheduling.
- 03-12. S. Referred to joint committee on Finance by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0 788
- 03-12. S. Withdrawn from joint committee on Finance and made Available for Scheduling by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0 788
- 03-12. S. Placed on calendar 3-13-2012 pursuant to Senate Rule 18(1) 788
- 03-13. S. Fiscal estimate received.
- 03-13. S. Read a second time 0
- 03-13. S. Senate substitute amendment 1 **adopted** 0
- 03-13. S. Ordered to a third reading 0
- 03-13. S. Rules suspended 0
- 03-13. S. Read a third time and **passed**, Ayes 33, Noes 0 0
- 03-13. S. Ordered immediately messaged 0
- 03-13. A. Received from Senate 911
- 03-13. A. Read first time and referred to committee on Rules 911
- 03-13. A. Made a special order of business at 9:08 A.M. on 3-14-2012 pursuant to Assembly Resolution 24 929
- 03-15. A. Read a second time.
- 03-15. A. Ordered to a third reading.
- 03-15. A. Rules suspended.
- 03-15. A. Read a third time and **concurred in**.
- 03-15. A. Ordered immediately messaged.
- 03-19. S. Received from Assembly concurred in.

MB

**2011
ENROLLED BILL**

11en S B-156

ADOPTED DOCUMENTS:

Orig Engr S SubAmdt L

115 03951 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-20-12
Date

J. P. Miller
Enrolling Drafter



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0395/1
RNK:wlj&cjs:jf

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 156**

March 7, 2012 – Offered by Senator KEDZIE.

1 **AN ACT** *to renumber* 280.15 (2m) (f) 1. and 2.; *to renumber and amend* 280.01
2 (2m), 280.13 (6), 280.15 (2m) (b), 280.15 (2m) (f) (intro.) (except 280.15 (2m) (f)
3 (title)) and 280.15 (3g) (b); *to amend* 59.70 (1), 59.70 (6) (title), 59.70 (6) (b),
4 280.01 (8), 280.13 (1) (intro.), 280.13 (1) (a), 280.13 (1) (e), 280.13 (2) (intro.),
5 280.13 (2) (d), 280.15 (title), 280.15 (1) (a) (intro.), 280.15 (1) (a) 1., 280.15 (1)
6 (a) 2., 280.15 (1) (a) 3., 280.15 (1) (am), 280.15 (1) (b), 280.15 (1) (c), 280.15 (1)
7 (d) 1., 280.15 (1) (d) 3., 280.15 (2m) (title), 280.15 (2m) (a), 280.15 (2m) (c) 1.,
8 280.15 (2m) (f) (title), 280.15 (2m) (g) 1., 280.15 (2m) (g) 2., 280.15 (3r) (a),
9 280.15 (4), 280.30 (title), 280.30 (2) (a), 280.30 (2) (b), 280.30 (3) (a), 280.98 (2),
10 443.14 (12m) and 470.025 (9); *to repeal and recreate* chapter 280 (title) and
11 280.30 (2) (title); and *to create* 280.01 (2b), 280.01 (2c), 280.13 (1) (cm), 280.13
12 (b), 280.15 (2m) (am), 280.15 (2m) (f) 2m. and 280.30 (2m) of the statutes;

1 **relating to:** regulation of persons engaged in drilling wells and heat exchange
2 drillholes and granting rule-making authority.

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

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

4 59.70 (1) BUILDING AND SANITARY CODES. The board may enact building and
5 sanitary codes, make necessary rules and regulations in relation thereto and provide
6 for enforcement of the codes, rules and regulations by forfeiture or otherwise. The
7 codes, rules and regulations do not apply within municipalities which have enacted
8 ordinances or codes concerning the same subject matter. “Sanitary code” does not
9 include a private sewage system ordinance enacted under sub. (5). “Building and
10 sanitary codes” does not include well ~~code~~ or heat exchange drillhole ordinances
11 enacted under sub. (6).

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

13 59.70 (6) (title) OPTIONAL WELL ~~CODE~~ AND HEAT EXCHANGE DRILLHOLE ORDINANCES.

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

15 59.70 (6) (b) *Permits.* If authorized by the department under s. 280.21 (1), a
16 county may enact and enforce a well construction, heat exchange drillhole
17 construction, or pump installation ordinance or both. Provisions of the ordinance
18 shall be in strict conformity with ch. 280 and with rules of the department under ch.
19 280. The ordinance may require that a permit be obtained before construction,
20 installation, reconstruction or rehabilitation of a private well or installation or
21 substantial modification of a pump on a private well, other than replacement of a
22 pump with a substantially similar pump. The county may establish a schedule of fees
23 for issuance of the permits and for related inspections. The department, under s.

1 280.21 (4), may revoke the authority of a county to enforce its ordinance if the
2 department finds that the ordinance or enforcement of the ordinance does not
3 conform to ch. 280 and rules of the department under ch. 280.

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

5 **CHAPTER 280**

6 **WELL DRILLING, HEAT EXCHANGE DRILLING,**

7 **AND PUMP INSTALLING**

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

9 280.01 (2b) “Heat exchange drillhole” means an excavation or opening in the
10 ground that is deeper than it is wide, that extends more than 25 feet below the ground
11 surface, and that is made for the purpose of installing a geothermal closed-loop heat
12 exchange system.

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

14 280.01 (2c) “Heat exchange drilling” means the industry and procedure
15 employed in making heat exchange drillholes.

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

18 280.01 (2d) “Licensed well driller” means any individual who has paid the
19 annual license fee under s. 280.15 (2m) (c) 1. and obtained a license under s. 280.15
20 (2m) as a well driller.

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

22 280.01 (8) “Well drilling” means the industry and procedure employed in
23 obtaining groundwater from a well by digging, boring, drilling, driving or other
24 methods but not including the driving of points for the purpose of obtaining ground

1 ~~water.~~ It shall also include all construction work and installation of well casings in
2 said well involved therein for the protection of such well water against pollution.

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

4 280.13 (1) (intro.) The department may exercise such powers, and may
5 promulgate such rules, as are reasonably necessary to carry out and enforce the
6 provisions of this chapter. It may, among other things:

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

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

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

14 280.13 (1) (cm) Enter and inspect at reasonable hours heat exchange drillholes
15 and equipment relating to the construction of heat exchange drillholes on private or
16 public property and order necessary corrections and repairs relating to that
17 construction or may order discontinuances of any heat exchange drillhole and its use
18 if found contaminated or polluted.

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

20 280.13 (1) (e) Prepare and cause to be printed any codes, bulletins or other
21 documents that the department determines are necessary for the safety of the public
22 health and the betterment of the industries, and furnish copies of those documents
23 to licensed well drillers, licensed pump installers and to the public upon request.

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

1 280.13 (2) (intro.) The department may on its own motion make investigations
2 and conduct hearings and may, on its own motion or upon complaint in writing, duly
3 signed and verified by the complainant, and upon not less than 10 days' notice to the
4 licensed ~~well~~ or registered driller or licensed ~~or registered~~ pump installer, suspend
5 or revoke as provided in subs. (3) and (4) any ~~well~~ driller's or pump installer's license
6 or registration if the department has reason to believe or finds that the holder of the
7 license or registration has done any of the following:

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

9 280.13 (2) (d) Been found guilty in any civil or criminal proceeding of any action
10 constituting fraud in connection with the ~~well~~ driller's or pump installer's well
11 drilling ~~or~~ heat exchange drilling, or pump installing operations.

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

14 280.13 (6) (a) No individual whose driller license has been revoked under this
15 section may, during the period in which the revocation is effective, engage in any well
16 drilling ~~or pump installing~~ activity for which the license was issued except under the
17 direct supervision of ~~a licensed well driller or licensed pump installer~~ an individual
18 holding a license to conduct that activity and as an employee of a licensed ~~well~~ driller,
19 ~~a licensed pump installer, or~~ a registered ~~well~~ drilling business, ~~or a registered pump~~
20 ~~installing business.~~

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

22 280.13 (6) (b) No individual whose pump installer's license has been revoked
23 under this section may, during the period in which the revocation is effective, engage
24 in any pump installing activity except under the direct supervision of an individual

1 holding a pump installer's license and as an employee of a licensed pump installer
2 or registered pump installing business.

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

4 **280.15 (title) ~~Well drilling~~ Drilling and pump installing; registration;**
5 **licensing; qualifications; fee.**

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

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

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

14 280.15 (1) (a) 1. An individual who is a licensed ~~well~~ driller or a licensed pump
15 installer is not required to obtain registration.

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

17 280.15 (1) (a) 2. An individual who is employed by ~~or works under contract with~~
18 a licensed ~~well~~ driller or a licensed pump installer is not required to obtain
19 registration.

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

21 280.15 (1) (a) 3. An individual who is employed by ~~or works under contract with~~
22 a person who is registered under this paragraph is not required to obtain
23 registration.

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

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

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

10 280.15 (1) (b) *Application.* A person who seeks to register a ~~well~~ drilling
11 business or pump installing business shall apply to the department for registration
12 of each place of business or retail outlet he or she operates as a ~~well~~ drilling business,
13 or pump installing business, or both, upon forms prepared by the department for this
14 purpose. The application shall be accompanied by a registration fee for each place
15 of business or retail outlet included in the application.

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

17 280.15 (1) (c) *Renewal.* In order to retain registration as a ~~well~~ drilling business
18 or pump installing business a person shall apply for registration renewal and pay the
19 required registration fees annually on or before January 1.

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

21 280.15 (1) (d) 1. ~~Well-drilling~~ Drilling business, \$50.

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

23 280.15 (1) (d) 3. ~~Well-drilling~~ Drilling business and pump installing business,
24 \$75.

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

1 280.15 (2m) (title) ~~WELL DRILLER~~ DRILLER AND PUMP INSTALLER LICENSING.

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

3 280.15 (2m) (a) *Application.* An individual who seeks a ~~well~~ driller or pump
4 installer license shall apply to the department on a form prepared by the department.
5 The individual shall include the fee specified in par. (c) with the application.

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

7 280.15 (2m) (am) *Activities authorized under driller license.* In issuing a driller
8 license under this subsection, the department may specify that the license is limited
9 to the authority to engage only in well drilling or to the authority to engage only in
10 heat exchange drilling.

11 **SECTION 30.** 280.15 (2m) (b) of the statutes is renumbered 280.15 (2m) (b)
12 (intro.) and amended to read:

13 280.15 (2m) (b) *Renewal.* (intro.) In order to retain his or her license as a ~~well~~
14 driller or pump installer an individual shall ~~comply~~ do all of the following:

15 1. Comply with requirements for continuing education promulgated by the
16 department by rule ~~and shall apply.~~ The department shall require continuing
17 education specific to well drilling for individuals seeking to retain a driller license
18 that authorizes well drilling and shall require continuing education specific to heat
19 exchange drilling for individuals seeking to retain a driller license that authorizes
20 heat exchange drilling.

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

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

24 280.15 (2m) (c) 1. ~~Well-driller~~ Driller, \$50.

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

1 280.15 **(2m)** (f) (title) *Prerequisites for well driller license.*

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

4 280.15 **(2m)** (f) 1m. (intro.) The department may not issue a well driller license
5 that authorizes well drilling unless all of the following apply:

6 **SECTION 34.** 280.15 (2m) (f) 1. and 2. of the statutes are renumbered 280.15
7 (2m) (f) 1m. a. and b.

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

9 280.15 **(2m)** (f) 2m. The department may not issue a driller license that
10 authorizes heat exchange drilling unless all of the following apply:

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

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

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

18 280.15 **(2m)** (g) 1. The department may issue a well driller license to an
19 applicant who does not comply with par. (f) ~~2. 1m. b. or 2m. b.~~ if the applicant complies
20 with par. (f) ~~1. 1m. a. or 2m. a.~~ and holds a well driller license in good standing from
21 another state and the department determines that the other state has laws and rules
22 governing well drilling and heat exchange drilling and licensing of well drillers and
23 heat exchange drillers that are substantially similar to this state's laws and rules.

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

1 280.15 (2m) (g) 2. The department shall establish alternative requirements to
2 par. (f) 2. ~~1m. b.~~ for applicants who have gained well drilling experience before June
3 1, 2008. The department shall establish alternative requirements to par. (f) 2m. b.
4 for applicants who have gained heat exchange drilling experience before the effective
5 date of this subdivision [LRB inserts date].

6 **SECTION 38.** 280.15 (3g) (b) of the statutes is renumbered 280.15 (3g) (b) (intro.)
7 and amended to read:

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

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

11 2. Comply with requirements for continuing education promulgated by the
12 department by rule ~~and shall apply.~~ The department shall require continuing
13 education specific to well drilling for individuals seeking to retain a drilling rig
14 operator's registration that authorizes well drilling and shall require continuing
15 education specific to heat exchange drilling for individuals seeking to retain a
16 drilling rig operator's registration that authorizes heat exchange drilling.

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

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

20 280.15 (3r) (a) *Requirement.* Except as provided in par. (b) and sub. (4), an
21 individual who is not a licensed well driller or a registered drilling rig operator may
22 ~~only~~ engage in well drilling a well or heat exchange drillhole only if the individual
23 is under the supervision of a licensed well driller or a registered drilling rig operator
24 who is on the site of the well drilling.

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

1 280.15 (4) WORK ON OWN REAL ESTATE. No ~~person~~ individual is required to obtain
2 a registration or license under this section for ~~driving, digging or otherwise obtaining~~
3 ~~groundwater supply~~ well drilling or heat exchange drilling on real estate owned or
4 leased by that ~~person~~ individual, but the well or heat exchange drillhole and the work
5 done on the well or heat exchange drillhole shall comply with the law and the rules
6 promulgated by the department.

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

8 **280.30 (title) Well and heat exchange drillhole abandonment and;**
9 **property transfer inspections.**

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

11 280.30 (2) (title) WELL ABANDONMENT.

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

13 280.30 (2) (a) The individual is a licensed ~~well~~ driller who is authorized by the
14 department to engage in well drilling or licensed pump installer.

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

16 280.30 (2) (b) The individual is under the supervision of a licensed ~~well~~ driller
17 who is authorized by the department to engage in well drilling or licensed pump
18 installer or the individual is under the supervision of a water system operator
19 certified under s. 281.17 (3) and the well is within the service area of the local
20 governmental water system for which the certified operator works. The licensed or
21 certified individual is not required to be present during the filling or sealing.

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

23 **280.30 (2m) HEAT EXCHANGE DRILLHOLE ABANDONMENT.** An individual may not
24 fill or seal a heat exchange drillhole unless the individual is a licensed driller who
25 is authorized by the department to engage in heat exchange drilling.

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

2 280.30 **(3)** (a) An individual may not for compensation, in contemplation of a
3 transfer of real property, conduct an inspection of the real property for the purpose
4 of locating or evaluating water supply wells or pressure systems on the real property
5 unless the individual is a licensed ~~well~~ driller who is authorized by the department
6 to engage in well drilling or a licensed pump installer.

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

8 280.98 **(2)** The department shall promulgate rules that specify violations of
9 rules under this chapter relating to licensing; registration; disinfection, sampling,
10 and reporting requirements; water systems that were installed before February 1,
11 1991; and well or ~~drill hole~~ drillhole abandonment to which sub. (1) applies.

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

13 443.14 **(12m)** A ~~well~~ driller who is licensed under s. 280.15 (2m), or an employee
14 of a ~~well~~ drilling business that is registered under s. 280.15 (1), who is engaged in well
15 drilling, as defined in s. 280.01 (8), or heat exchange drilling, as defined in s. 280.01
16 (2c).

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

18 470.025 **(9)** A ~~well~~ driller who is licensed under s. 280.15 (2m), or an employee
19 of a ~~well~~ drilling business that is registered under s. 280.15 (1), who is engaged in well
20 drilling, as defined in s. 280.01 (8), or heat exchange drilling, as defined in s. 280.01
21 (2c).

22 **SECTION 50. Effective date.**

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

25

(END)