

2015 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB239)

Received: **3/14/2016** Received By: **mpfotenh**
For: **Julie Lassa (608) 266-3123** Same as LRB:
May Contact: By/Representing: **Ben**
Subject: **Environment - water quality** Drafter: **mpfotenh**
Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Lassa@legis.wisconsin.gov**
Carbon copy (CC) to: **mary.pfotenhauer@legis.wisconsin.gov**
zachary.wyatt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Appropriation for reviewing high capacity well applications; prioritizing review of certain applications

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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Pfotenhauer, Mary

From: Van Pelt, Ben
Sent: Sunday, March 13, 2016 7:20 PM
To: Pfotenhauer, Mary
Cc: Sen.Lassa
Subject: Senator Lassa - SB 239/AB 874 amendment drafting requests

Follow Up Flag: Follow up
Flag Status: Flagged

Good Evening Mary,

My apologies for the rather confusing drafting request this might turn into, but at this point we have no idea whether SB 239 or AB 874 will come to the floor of the Senate on Tuesday, and moreover, we do not know which version of these bills will come up...considering all the potential amendments hanging out there right now.

Anyways, I have one simple amendment and one substitute amendment that Senator Lassa would like drafted. I am not sure what your normal protocol has been, but I assume you have been drafting requests to SSA 2 to SB 239 and then I have no idea about the Assembly version since it is such a mess. Please advise.

Here are the amendments:

1. Simple amendment that would require a staggered 20-year review of high-cap well permits. I believe Senator Vinehout's office has requested a similar one that would be a 10-year review. We want the same exact language (I believe pulled from SB 72) except with 20 years.
2. Substitute amendment. A few things going on here that I will outline:
 - a. Wipe the slate clean on SB 239 and start from scratch.
 - ✓b. Give DNR sum-sufficient funding to hire high-capacity well review staff so the job can be done quickly and efficiently.
 - ✓c. Allow for repairs/maintenance of wells to require no additional approval from the DNR. (this is item 1 in 239)
 - ✓d. Prioritize transfer well applications only if the transfer is being made to a family relation.
 - i. We want applications that are between family members to get moved to the "top of the stack" of the apps the DNR has to review. This gets at the problem we have heard from the Ag community that passing a well down from parent to child is way too cumbersome and uncertain.
 - ✓e. Prioritize replacement wells if they are for the reasons outlines in item 2 of SB 239.
 - i. Same idea as the last one, we want to cut down on the time it takes for review if these wells are to replace a high cap well that has gone bad.

→ See s. 281.34(2g)(a)2.a.

If you have any questions please feel free to shoot me an email or give me a call at any time. of SSA 2 to SB239

Thanks so much Mary and have a great rest of your weekend!

Ben Van Pelt
Office of Senator Julie Lassa
24th Senate District
(608) 266-3123



State of Wisconsin
2015 - 2016 LEGISLATURE

today

50409/1

LRB-14467

MCP:kjf qahc

2015 SENATE BILL 239

August 26, 2015 - Introduced by Senators GUDEX, MARKLEIN, WANGGAARD and MOULTON, cosponsored by Representatives NERISON, T. LARSON, TITTL, VORPAGEL, QUINN, BALLWEG, R. BROOKS, BERNIER, SPIROS, MACCO, KREMER, JACQUE, THIESEFELDT, MURTHA and JARCHOW. Referred to Committee on Agriculture, Small Business, and Tourism.

GEN sav

1 AN ACT to amend 281.34 (2); and to create 281.34 (1) (em) and 281.34 (2g) of the
2 statutes; relating to: ^{repairs} replacement, reconstruction, and transfer of an approved
3 high capacity well ^{and making an appropriation}

Analysis by the Legislative Reference Bureau

Current law requires a person to obtain approval from the Department of Natural Resources (DNR) before constructing or operating a high capacity well, which is a well that, together with all other wells on the same property, has the capacity to withdraw more than 100,000 gallons of water per day.

Substitute amendment

This bill provides that no additional approval is needed for the owner of an approved high capacity well to repair or maintain the well; to construct a replacement high capacity well of substantially the same depth within a 75-foot radius of the existing high capacity well; to reconstruct the existing high capacity well; or to transfer the approval at the same time as the owner transfers the land on which the approved high capacity well is located. No additional fee is required for any of these actions, but the owner of the existing approved high capacity well must notify DNR of any replacement, reconstruction, or transfer. The owner may not take any of these actions if they would be inconsistent with the standards or conditions of the existing high capacity well approval, and the standards and conditions of the approval continue to apply after any of these actions are taken.

repair or maintain the well

doing so

the owner repairs or maintains the well

SENATE BILL 239

Ins
A

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1

SECTION 1. 281.34 (1) (em) of the statutes is created to read:

2

281.34 (1) (em) "Reconstruct" means to modify the original construction of a well, including deepening, lining, installing or replacing a screen, and underreaming.

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SECTION 2. 281.34 (2) of the statutes is amended to read:

6

281.34 (2) APPROVAL REQUIRED FOR HIGH CAPACITY WELLS. An Except as provided in sub. (2g), an owner shall apply to the department for approval before construction of a high capacity well begins. No Except as provided in sub. (2g), no person may construct or withdraw water from a high capacity well without the approval of the department under this section or under s. 281.17 (1), 2001 stats. An owner applying for approval under this subsection shall pay a fee of \$500.

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SECTION 3. 281.34 (2g) of the statutes is created to read:

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281.34 (2g) REPAIR, REPLACEMENT, RECONSTRUCTION, AND TRANSFER OF OWNERSHIP

14

OF AN APPROVED HIGH CAPACITY WELL. (a) Except as provided in par. (e), if an existing high capacity well has been approved under this section or under s. 281.17 (1), 2001

15

16

stats., the owner of that well may take any of the following actions ^{repair and maintain} without obtaining ^{the} an additional approval under this section.

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1. Repair and maintain the existing high capacity well.

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2. Construct a new high capacity well to replace the existing high capacity well

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if the replacement high capacity well will be drilled to substantially the same depth

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as the existing high capacity well, will be located within a 75-foot radius of the

SENATE BILL 239

1 existing high capacity well, and will be constructed in accordance with department
2 standards that apply to the construction of new high capacity wells on the date that
3 construction of the replacement high capacity well begins.

4 3. Reconstruct the existing high capacity well.

5 4. Transfer the approval, concurrent with transferring the land on which the
6 approved high capacity well is located, to the person to whom the land is transferred.

7 (b) The department may not impose a fee for any action under par. (a).

8 (c) The owner shall notify the department of any action taken under par. (a) 2.,
9 3., or 4. on a form prescribed by the department.

10 (d) ^{no ff} Except as provided in sub. (7), the standards or conditions of the existing
11 high capacity well approval continue to apply after an owner ^e takes any of the actions

12 under par. (a) ^{repairs or maintains the well}

13 (e) ^{no ff} An owner of a well may not ^e take an action under par. (a) ^{repair or maintain the well} if ^{doing so} (it) would be

14 inconsistent with the standards or conditions of the existing high capacity well
15 approval.

16 **SECTION 4. Initial applicability.**

17 (1) This act first applies to repair, replacement, and reconstruction of a high
18 capacity well that begins, or transfers of ownership that occur, on the effective date
19 of this subsection.

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(END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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MCP:...

1 **INSERT A**

✓ The substitute amendment also requires DNR to give priority to processing applications to 1) transfer a high capacity well approval to a person who is related by blood, marriage, or adoption to the owner of the well, and 2) replace an approved high capacity well if the purpose of the replacement is to remedy or prevent contamination.

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3 **INSERT 2-4**

4 **SECTION 1.** 20.370 (4) (cd) of the statutes is created to read:

5 20.370 (4) (cd) *Groundwater quantity administration – high capacity well*
6 *applications.* From the general fund, a sum sufficient for staff salaries to review and
7 process applications for high capacity well approvals under s. 281.34.

8

9 **INSERT 3-19**

10 (b) The department shall give priority to processing applications to transfer the
11 approval of an existing high capacity well that has been approved under this section
12 or under s. 281.17 (1), 2001 stats., concurrent with transferring the land on which
13 the approved high capacity well is located, if the person to whom the land and
14 approval are transferred is related by blood, marriage, or adoption to the owner of
15 the approved high capacity well.

16 (c) Subject to par. (b), the department shall give priority to processing
17 applications to construct a new high capacity well to replace an existing high
18 capacity well that has been approved under this section or under s. 281.17 (1), 2001
19 stats., if the purpose of the replacement is to remedy or prevent contamination.