



2005 SENATE BILL 467

December 6, 2005 – Introduced by Senators KEDZIE, OLSEN, RISSER, COWLES, STEPP and ZIEN, cosponsored by Representatives HAHN, KERKMAN, OTT, LEMAHIEU, GUNDERSON, KRAWCZYK, NASS, MUSSER and MOLEPSKE. Referred to Committee on Natural Resources and Transportation.

1 **AN ACT** *to repeal* 280.01 (3) and 280.15 (3); *to renumber and amend* 280.01
2 (4), 280.01 (7), 280.15 (2) and 280.16 (2); *to amend* 23.50 (1), 280.13 (1) (e),
3 280.13 (2) (intro.), (a) and (b), 280.13 (3) to (6), 280.15 (title), 280.15 (1) (b),
4 280.15 (1) (c), 280.15 (1) (d), 280.15 (1) (e), 280.15 (4), 280.19, 280.97, 299.07 (1)
5 (a) 1., 299.08 (1) (a) 1., 443.14 (12m) and 470.025 (9); *to repeal and recreate*
6 280.15 (1) (a); and *to create* 280.15 (1) (title), 280.15 (1) (am), 280.15 (2m),
7 280.15 (3g), 280.15 (3r), 280.16 (2) (a), (b) and (c), 280.30 and 280.98 of the
8 statutes; **relating to:** well drilling, pump installing, well inspection and
9 abandonment, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Well drilling and pump installing registration and licensing

Under current law, the Department of Natural Resources (DNR) registers individuals and businesses that engage in the business of drilling drinking water wells and that engage in the business of installing pumps to withdraw water from wells.

Under this bill, DNR registers well drilling businesses and pump installing businesses. In addition, DNR licenses individuals as well drillers and pump

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installers and registers individuals as drilling rig operators. DNR may not grant a registration for a well drilling business unless the applicant is a licensed well driller, a licensed well driller has an ownership interest in the business, or the business employs or contracts with a licensed well driller. DNR may not grant a registration for a pump installing business unless the applicant is a licensed pump installer, a licensed pump installer has an ownership interest in the business, or the business employs or contracts with a licensed pump installer.

Under the bill, to become a licensed well driller, an individual must generally have been a registered drilling rig operator for at least two years out of the preceding five years and have complied with training requirements applicable to drilling rig operators, must have the well drilling experience required by DNR, and must pass an examination. To become a licensed pump installer, an individual must pass an examination.

Under the bill, an individual who is not a licensed well driller or a registered drilling rig operator may only engage in well drilling if the individual is under the supervision of a licensed well driller or a registered drilling rig operator.

Enforcement of well drilling and pump installing requirements

Under current law, the Department of Justice generally enforces the environmental protection laws. Currently, a violation of law related to well drilling and pump installing is a crime, punishable by a fine of \$10 to \$100 or imprisonment for not more than 30 days or both.

This bill authorizes DNR to issue citations (similar to traffic tickets) to enforce some rules related to well drilling and pump installing. The penalty for a violation for which a citation is issued is a forfeiture (a civil monetary penalty) of \$500 for a first violation and \$1,000 for a second or subsequent violation.

Well abandonment and property transfer inspections

This bill prohibits a person from filling or sealing a water supply well unless the person is a licensed well driller or pump installer, is supervised by a licensed well driller or pump installer, or is a certified water system operator. The bill also provides that if a property transfer is contemplated, an individual may not perform an inspection of the property for the purpose of evaluating water supply wells or pressure systems unless the individual is a licensed well driller or pump installer.

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.** 23.50 (1) of the statutes is amended to read:
- 2 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
- 3 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,

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1 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),
2 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2),
3 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any
4 administrative rules promulgated thereunder, violations specified under s. 280.98
5 (2) or 285.86, violations of ch. 951 if the animal involved is a captive wild animal,
6 violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k),
7 violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances
8 enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

9 **SECTION 2.** 280.01 (3) of the statutes is repealed.

10 **SECTION 3.** 280.01 (4) of the statutes is renumbered 280.01 (2e) and amended
11 to read:

12 280.01 (2e) “Pump Licensed pump installer” means any ~~person, firm or~~
13 ~~corporation~~ individual who has duly registered as such with the department and
14 shall have paid the annual registration license fee under s. 280.15 (2m) (c) 2. and
15 obtained a permit to engage in pump installing as herein provided license under s.
16 280.15 (2m) as a pump installer.

17 **SECTION 4.** 280.01 (7) of the statutes is renumbered 280.01 (2m) and amended
18 to read:

19 280.01 (2m) “Well Licensed well driller” means any ~~person, firm or corporation~~
20 individual who has duly registered as such with the department and shall have paid
21 the annual registration license fee under s. 280.15 (2m) (c) 1. and obtained a permit
22 ~~to construct wells as herein provided~~ license under s. 280.15 (2m) as a well driller.

23 **SECTION 5.** 280.13 (1) (e) of the statutes is amended to read:

24 280.13 (1) (e) Prepare and cause to be printed such any codes, bulletins or other
25 documents as may be that the department determines are necessary for the safety

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1 of the public health and the betterment of the industries, and furnish copies thereof
2 of those documents to licensed well drillers, licensed pump installers and to the
3 public upon request.

4 **SECTION 6.** 280.13 (2) (intro.), (a) and (b) of the statutes are amended to read:

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

12 (a) Made a material misstatement in the application for permit the license or
13 any application for a renewal thereof of the license.

14 (b) Demonstrated incompetency to act in the industry or industries for which
15 such permit the license was issued; or.

16 **SECTION 7.** 280.13 (3) to (6) of the statutes are amended to read:

17 280.13 (3) ~~A~~ The department shall serve a copy of the complaint with notice
18 of the suspension of permit license, if ordered by the department, shall be served on
19 the person complained against, and the person's person shall file an answer shall be
20 filed with the department and the complainant within 10 days after service. The
21 department shall thereupon set the matter for hearing as promptly as possible and
22 within 30 days after the date on which the complaint was filed. Either party may
23 appear at the hearing in person or by attorney or agent.

24 (4) ~~No~~ The department may not make an order revoking a permit license under
25 sub. (2) shall be made until after a public hearing to be held before the department

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1 in the county where the ~~permittee~~ licensee has his or her place of business. If the
2 ~~permittee~~ licensee is a nonresident, the hearing shall be at such the place as that the
3 department designates. At least 10 days prior to the hearing the department shall
4 send written notice of the time and place of the hearing to the ~~permittee~~ licensee and
5 to the ~~permittee's~~ licensee's attorney or agent of record by mailing the notice to the
6 last-known address of such ~~those~~ those persons. The testimony presented and
7 proceedings had at the hearing shall be recorded and preserved as the records of the
8 department. The department shall as soon ~~thereafter~~ as possible after the hearing
9 make its findings and determination and send a copy to each interested party.

10 (5) One year after the date of revocation or thereafter ~~application may be made~~
11 a person whose license was revoked may apply for a new permit license.

12 (6) No individual, ~~firm or corporation~~ whose ~~permit~~ license has been revoked
13 ~~pursuant to~~ under this section shall ~~may~~, during the period in which the revocation
14 is effective, engage in any well drilling or pump installing activity except under the
15 direct supervision and as an employee of a registered licensed well driller or licensed
16 pump installer and as an employee of a licensed well driller, a licensed pump
17 installer, a registered well drilling business, or a registered pump installing
18 business.

19 **SECTION 8.** 280.15 (title) of the statutes is amended to read:

20 **280.15 (title) Well drilling and pump installing; registration; licensing;**
21 **qualifications; fee.**

22 **SECTION 9.** 280.15 (1) (title) of the statutes is created to read:

23 280.15 (1) (title) BUSINESS REGISTRATION.

24 **SECTION 10.** 280.15 (1) (a) of the statutes is repealed and recreated to read:

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1 280.15 (1) (a) *Registration requirement.* No person may engage in the business
2 of well drilling or pump installing in this state unless the person obtains registration
3 under this paragraph as a well drilling business or pump installing business, except
4 as follows:

5 1. An individual who is a licensed well driller or a licensed pump installer is
6 not required to obtain registration.

7 2. An individual who is employed by or works under contract with a licensed
8 well driller or a licensed pump installer is not required to obtain registration.

9 3. An individual who is employed by or works under contract with a person who
10 is registered under this paragraph is not required to obtain registration.

11 4. An individual to whom sub. (4) or s. 280.19 applies is not required to obtain
12 registration.

13 **SECTION 11.** 280.15 (1) (am) of the statutes is created to read:

14 280.15 (1) (am) *Prerequisite.* The department may not grant registration under
15 par. (a) to a person to engage in the business of well drilling unless the person is a
16 licensed well driller, a licensed well driller has an ownership interest in the business,
17 or the person employs or contracts with a licensed well driller. The department may
18 not grant registration under par. (a) to a person to engage in the business of pump
19 installing unless the person is a licensed pump installer, a licensed pump installer
20 has an ownership interest in the business, or the person employs or contracts with
21 a licensed pump installer.

22 **SECTION 12.** 280.15 (1) (b) of the statutes is amended to read:

23 280.15 (1) (b) *Application.* A person who seeks to register as a well driller
24 drilling business or pump installer installing business shall apply to the department
25 for registration of each place of business or retail outlet he or she operates as a well

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1 driller drilling business, pump installer installing business, or both, upon forms
2 prepared by the department for this purpose. The application shall be accompanied
3 by a permit registration fee for each place of business or retail outlet included in the
4 application.

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

6 280.15 (1) (c) *Renewal.* In order to retain registration as a well driller drilling
7 business or pump installer installing business a person shall apply for registration
8 renewal and pay the required permit registration fees annually on or before January
9 1 of each year.

10 **SECTION 14.** 280.15 (1) (d) of the statutes is amended to read:

11 280.15 (1) (d) *Permit Registration fee.* The permit fees required for registration
12 application or annual renewal are as follows:

- 13 1. Well driller drilling business, \$50.
- 14 2. Pump installer installing business, \$25.
- 15 3. Well driller drilling business and pump installer installing business, \$75.

16 **SECTION 15.** 280.15 (1) (e) of the statutes is amended to read:

17 280.15 (1) (e) *Late fees.* A person who files an application for registration
18 renewal or who fails to pay the required annual permit registration fees after
19 January 1 shall pay a late penalty of \$15.

20 **SECTION 16.** 280.15 (2) of the statutes is renumbered 280.15 (1) (f) and amended
21 to read:

22 280.15 (1) (f) *Expiration.* All ~~permits so~~ registrations issued ~~shall~~ under this
23 subsection expire on December 31 of each year and ~~shall not be~~ are not transferable.

24 **SECTION 17.** 280.15 (2m) of the statutes is created to read:

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1 280.15 **(2m)** WELL DRILLER AND PUMP INSTALLER LICENSING. (a) *Application.* An
2 individual who seeks a well driller or pump installer license shall apply to the
3 department on a form prepared by the department. The individual shall include the
4 fee specified in par. (c) with the application.

5 (b) *Renewal.* In order to retain his or her license as a well driller or pump
6 installer an individual shall comply with requirements for continuing education
7 promulgated by the department by rule and shall apply for license renewal and pay
8 the required license fees under par. (c) annually on or before January 1.

9 (c) *Fees.* The license fees required for license application or annual renewal are
10 as follows:

- 11 1. Well driller, \$50.
- 12 2. Pump installer, \$25.

13 (d) *Late fees.* An individual who files an application for license renewal or pays
14 the required annual fees after January 1 shall pay a late penalty of \$15.

15 (e) *Prerequisites for pump installer license.* The department may not issue a
16 pump installer license unless the applicant demonstrates competency in pump
17 installing by passing an examination administered by the department.

18 (f) *Prerequisites for well driller license.* The department may not issue a well
19 driller license unless all of the following apply:

- 20 1. The applicant demonstrates competency in well drilling by passing an
21 examination administered by the department.

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

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

7 2. The department shall establish alternative requirements to par. (f) 2. for
8 applicants who have gained well drilling experience before the effective date of this
9 subdivision [revisor inserts date].

10 **SECTION 18.** 280.15 (3) of the statutes is repealed.

11 **SECTION 19.** 280.15 (3g) of the statutes is created to read:

12 280.15 **(3g)** DRILLING RIG OPERATOR REGISTRATION. (a) *Application.* An
13 individual who seeks registration as a drilling rig operator shall apply to the
14 department on a form prepared by the department. The individual shall include a
15 fee of \$25.

16 (b) *Renewal.* In order to retain registration as a drilling rig operator an
17 individual shall complete training approved by the department and comply with
18 requirements for continuing education promulgated by the department by rule and
19 shall apply for registration renewal and pay a fee of \$25 annually on or before
20 January 1.

21 (d) *Late fees.* An individual who files an application for registration renewal
22 or who pays the required annual fee after January 1 shall pay a late penalty of \$15.

23 **SECTION 20.** 280.15 (3r) of the statutes is created to read:

24 280.15 **(3r)** SUPERVISION. (a) *Requirement.* Except as provided in par. (b) and
25 sub. (4), an individual who is not a licensed well driller or a registered drilling rig

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1 operator may only engage in well drilling if the individual is under the supervision
2 of a licensed well driller or a registered drilling rig operator who is on the site of the
3 well drilling.

4 (b) *Exception.* Paragraph (a) does not apply to an individual performing well
5 drilling of a public well for a local governmental unit if the individual applies for
6 registration under sub. (3g) no later than 14 days after the day on which the
7 individual begins to perform the well drilling.

8 **SECTION 21.** 280.15 (4) of the statutes is amended to read:

9 280.15 (4) WORK ON OWN REAL ESTATE. No person is required to obtain a permit
10 registration or license under this section for driving, digging or otherwise obtaining
11 groundwater supply on real estate owned or leased by that person, but the well and
12 the work done ~~thereon~~ on the well shall comply ~~and be in conformity~~ with the law and
13 the rules promulgated by the department.

14 **SECTION 22.** 280.16 (2) of the statutes is renumbered 280.16 (2) (intro.) and
15 amended to read:

16 280.16 (2) (intro.) No person may install a pitless adapter that extends into the
17 inside of a well casing pipe except if the sand screen is permanently attached to the
18 bottom of a well casing pipe that is constructed of polyvinyl chloride. Only
19 ~~individuals registered under s. 280.15~~ the following may install pitless adapters.:

20 **SECTION 23.** 280.16 (2) (a), (b) and (c) of the statutes are created to read:

21 280.16 (2) (a) A licensed pump installer.

22 (b) An employee of a licensed pump installer or a registered pump installing
23 business.

24 (c) A welder under contract with a licensed pump installer or registered pump
25 installing business.

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1 **SECTION 24.** 280.19 of the statutes is amended to read:

2 **280.19 Registration exceptions.** No registration or permit license to engage
3 in the well drilling or pump installing industry ~~shall be~~ is required by of competent
4 sanitary engineers or by of superintendents of waterworks systems in the
5 preparations of plans and specifications or in supervising the installation of wells
6 and water systems for the obtaining of supplies of groundwater, but ~~all such~~ the plans
7 and specifications shall conform to all requirements established by the department.

8 **SECTION 25.** 280.30 of the statutes is created to read:

9 **280.30 Well abandonment and property transfer inspections. (1)**
10 DEFINITION. Notwithstanding s. 280.01 (6), in this section, “water supply well” means
11 an excavation or opening into the ground made by digging, boring, drilling, or other
12 method that supplies water for any purpose.

13 **(2) ABANDONMENT.** An individual may not fill or seal a water supply well unless
14 one of the following applies:

15 (a) The individual is a licensed well driller or licensed pump installer.

16 (b) The individual is under the supervision of a licensed well driller or licensed
17 pump installer. The licensed individual is not required to be present during the
18 filling or sealing.

19 (c) The individual is a water system operator certified under s. 281.17 (3) and
20 the well is within the service area of the local governmental water system for which
21 the individual works.

22 **(3) PROPERTY TRANSFER WELL INSPECTIONS.** (a) An individual may not for
23 compensation, in contemplation of a transfer of real property, conduct an inspection
24 of the real property for the purpose of locating or evaluating water supply wells or

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1 pressure systems on the real property unless the individual is a licensed well driller
2 or a licensed pump installer.

3 (b) The department shall promulgate rules for inspections and evaluations
4 described in par. (a).

5 **SECTION 26.** 280.97 of the statutes is amended to read:

6 **280.97 Penalties.** ~~Any person, firm, or corporation who engages in or follows~~
7 ~~the business or occupation of, or advertises or holds himself, herself or itself out as~~
8 ~~or acts temporarily or otherwise as a well driller or pump installer without having~~
9 ~~first secured the required permit or certificate of registration or renewal thereof, or~~
10 Except as provided in s. 280.98 (3), any person who otherwise violates any provision
11 of this chapter, shall be fined not less than \$10 or more than \$100 or imprisoned not
12 more than 30 days, or both. Each day during which a violation continues shall
13 constitute constitutes a separate and distinct offense, ~~and that~~ may be punished
14 separately.

15 **SECTION 27.** 280.98 of the statutes is created to read:

16 **280.98 Citations. (1)** The department may follow the procedures for the
17 issuance of a citation under ss. 23.50 to 23.99 to collect a forfeiture as specified in sub.
18 (3) from a person who commits a violation specified under sub. (2).

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

23 **(3)** A person who commits a violation specified under sub. (2) shall, if the
24 department issues a citation under sub. (1), be required to forfeit \$500 for a first
25 violation and \$1,000 for a 2nd or subsequent violation of the same provision.

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1 (4) The department shall promulgate rules that specify an enforcement process
2 that the department must follow before issuing a citation under sub. (1). The
3 department shall include in the enforcement process under this subsection an
4 enforcement conference with the person against whom enforcement is contemplated.

5 **SECTION 28.** 299.07 (1) (a) 1. of the statutes is amended to read:

6 299.07 (1) (a) 1. A registration or license under s. 280.15.

7 **SECTION 29.** 299.08 (1) (a) 1. of the statutes is amended to read:

8 299.08 (1) (a) 1. A registration or license under s. 280.15.

9 **SECTION 30.** 443.14 (12m) of the statutes is amended to read:

10 443.14 (12m) A well driller, ~~as defined in s. 280.01 (7), who is licensed under~~
11 s. 280.15 (2m), or an employee of a well drilling business that is registered under s.
12 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8).

13 **SECTION 31.** 470.025 (9) of the statutes is amended to read:

14 470.025 (9) A well driller, ~~as defined in s. 280.01 (7), who is licensed under s.~~
15 280.15 (2m), or an employee of a well drilling business that is registered under s.
16 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8).

17 **SECTION 32. Nonstatutory provisions.**

18 (1) The department of natural resources shall issue a well driller license to each
19 individual registered as a well driller under section 280.15 (1), 2003 stats., on the
20 effective date of this subsection without requiring the individual to comply with
21 section 280.15 (2m) (f) 2. of the statutes, as created by this act. The department of
22 natural resources shall issue a pump installer license to each individual registered
23 as a pump installer under section 280.15 (1), 2003 stats., on the effective date of this
24 subsection.

