

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 06/22/99

Received By: **shoveme**

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus 6-1452

By/Representing: **Tompach**

This file may be shown to any legislator: NO

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - priv swg sys**  
**Munis - miscellaneous**  
**Nat. Res. - miscellaneous**

Extra Copies:

**Pre Topic:**

ARC:.....Tompach - Am. # 124;

**Topic:**

Municipal sewer system hookups

**Instructions:**

See Attached

**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           | shoveme<br>06/22/99<br>rmarchan<br>06/22/99 | wjackson<br>06/22/99 | jfrantze<br>06/22/99 | _____<br>_____<br>_____ | ismith<br>06/22/99 |                 |                 |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /1           | shoveme        | 11 6/22 Wlj     | 6/22         | 6/22 Km        |                  |                 |                 |
| MES 6/22     |                |                 |              |                |                  |                 |                 |

FE Sent For:

<END>

ARC

# To Be Drafted

Agency

Amendment#

ARC Analyst

LRB#

Tax Cut

### Summary

This amendment would give local municipalities the option of not allowing a property owner to hook up to a municipal sewer system, if the property owner has a non-malfunctioning private septic system.

This motion was amended to specify that under the approvals and limitations section of administrative rule COMM 83.03, delete certain language relating to public sewer connection. Specifically, remove the provision which states that "when public sewers approved by the DNR become available to the premises served, the use of the private sewerage system shall be discontinued within that period of time required by order, but not to exceed one year. The building sewer shall be disconnected from the private sewerage system and be connected to the public sewer."

*Am; 60.50(2)  
Am; 60.726*

*MMSD may disapprove of connections to the system under p. 66.896(i)*

*Am; 66.24(3)*

*Am; 62.175(1)*

*Am; 62.18(1) -- applies to villages under p. 61.39*

### Fiscal Impact

There is no state fiscal impact.

### Statement of Intent

Give local municipalities the option of not allowing a property owner to hook up to a municipal sewer system.

Request#

Monday, June 21, 1999



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0903/1  
MES&RJM.....  
NLJ

ARC - SBOW

ARC:.....Tompach - Am. # 124, <sup>Di</sup>requ Municipal sewer system hookups

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 <sup>√</sup>1. Page 763, line 23: after that line insert:

3 "SECTION 1582k. 60.50 (2m) <sup>√</sup>of the statutes is created to read:

4 60.50 (2m) SEWERAGE SYSTEM USE. Approve or disapprove any connection with

5 or use of the town sewerage system, as defined in s. 60.70 (6) <sup>√</sup>, by any property owner

6 whose property is connected to a working private sewage system, as defined in s.

7 145.01 (12) <sup>√</sup>."

8 2. Page 764, line 25: after that line insert:

9 <sup>√</sup>"SECTION 1583s. 60.726 (2) of the statutes is amended to read:

1           60.726 (2) If a property owner installed on his or her property a private sewage  
2 system, as defined in s. 145.01 (12), that conforms with the state plumbing code,  
3 before a town sanitary district that encompasses that property came into existence,  
4 that property shall may be included in the town sanitary district. If the private  
5 sewage system was installed on or after 10 years before May 14, 1992, and if the  
6 property owner provides the town sanitary district with any information about the  
7 cost of the private sewage system required by the district, the town sanitary district,  
8 when the district issues any assessment or charges or imposes property taxes to  
9 construct a sewage service system, shall pay or credit the property owner an amount  
10 equal to 10% of the cost of the private sewage system, less any grants or aids received  
11 by the property owner for construction of the private sewage system, multiplied by  
12 the number of years of remaining life of the private sewage system. The number of  
13 years of remaining life of the private sewage system is equal to 10 minus the number  
14 of years that the private sewage system has been in operation.

History: 1991 a. 270; 1993 a. 213; 1997 a. 252.

15           **SECTION 1583v.** 60.77 (5) (L) of the statutes is created to read:

16           60.77 (5) (L) Approve or disapprove any connection with or use of the sewerage  
17 system by any property owner whose property is connected to a working private  
18 sewage system, as defined in s. 145.01 (12).

19           **SECTION 1588m.** 62.175 (1) of the statutes is amended to read:

20           62.175 (1) First class cities may construct and extend the sewer and water  
21 system into the adjoining towns, subject to s. 66.916. The extensions shall be made  
22 without expense to the cities. The rates to be charged for water to consumers beyond  
23 the corporate limits of the city shall be fixed by the common council of the city upon  
24 the recommendation of the city's board of public works. First class cities may approve

1 or disapprove any connection with or use of the sewer and water system by any  
 2 property owner whose property is connected to a working private sewage system, as  
 3 defined in s. 145.01 (12). ↓

History: 1981 c. 281 ss. 3m, 14, 15; 1981 c. 391; 1993 a. 213; 1995 a. 378.

4 **SECTION 1588p.** 62.18 (1) of the statutes is amended to read:

5 62.18 (1) CITIES MAY CONSTRUCT. Cities shall have power to construct systems  
 6 of sewerage, including a sewage disposal plant and all other appurtenances thereto,  
 7 to make additions, alterations and repairs to such systems and plants, and when  
 8 necessary abandon any existing system and build a new system, and to provide for  
 9 the payment of the same by the city, by sewerage districts or by abutting property  
 10 owners or by any combination of these methods. Cities may approve or disapprove  
 11 any connection with or use of the sewerage system by any property owner whose  
 12 property is connected to a working private sewage system, as defined in s. 145.01  
 13 (12). Whenever the council shall determine to lay sewers or provide sewerage in any  
 14 portion of the city it shall so order by resolution which shall describe with reasonable  
 15 particularity the district to be sewerred. Whenever the territory of any city of this  
 16 state shall be adjacent to or border on the territory of any other state, such city shall  
 17 have power to build or construct a sewage disposal plant in such adjacent state,  
 18 either alone for its sole use or jointly with some city or municipality in such adjacent  
 19 state for their joint use on terms to be agreed upon by such municipalities. And if  
 20 either city or municipality shall build or construct a sewage disposal plant, the city  
 21 in this state may contract with the other city or municipality for its joint use on terms  
 22 to be agreed upon. ⓪

History: 1985 a. 29; 1993 a. 490; 1995 a. 225.

23 **3.** Page 785, line 13: after that line insert:

24 “SECTION 1617s. 66.24 (3) of the statutes is amended to read:

1           66.24 (3) CONNECTIONS WITH SYSTEM. The commission may require any person  
2           or municipality in the district to provide for the discharge of its sewage into the  
3           district's collection and disposal system, or to connect any sanitary sewerage system  
4           with the district's disposal system wherever reasonable opportunity therefor is  
5           provided; may regulate the manner in which such connections are made; may require  
6           any person or municipality discharging sewage into the system to provide  
7           preliminary treatment therefor; may approve or disapprove any connection with or  
8           use of the sewerage system by any property owner whose property is connected to a  
9           working private sewage system, as defined in s. 145.01 (12); may prohibit and impose  
10          a penalty for the discharge into the system of any substance which it determines will  
11          or may be harmful to the system or any persons operating it; and may, with the prior  
12          approval of the department, after hearing upon 30 days' notice to the municipality  
13          involved, require any municipality to discontinue the acquisition, improvement or  
14          operation of any facility for disposal of any wastes or material handled by the  
15          commission wherever and so far as adequate service is or will be provided by the  
16          commission. The commission shall have access to all sewerage records of any  
17          municipality in the district and shall require all such municipalities to submit plans  
18          of existing systems and proposed extensions of local services or systems. The  
19          commission or its employes may enter upon the land in any municipality within the  
20          district for the purpose of making surveys or examinations.”

History: 1971 c. 276; Sup. Ct. Order, 67 W (2d) 585, 774 (1975); 1975 c. 425; 1977 c. 29 s. 1654 (8) (c); 1977 c. 379 s. 33; 1981 c. 282 s. 47; 1987 a. 399; 1995 a. 27 s. 9126 (19); 1995 a. 201.

(END)

21

INSERT  
4-21



# 1999 SENATE BILL 102

INSERT 4-21

March 25, 1999 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

1  
2

**AN ACT to create 145.02 (5) of the statutes; relating to: the use of private sewage systems when a public sewer is available.**

### *Analysis by the Legislative Reference Bureau*

Current law authorizes the department of commerce (department) to promulgate rules ensuring safe and sanitary plumbing in all buildings. Current department rules both prohibit the use of private sewage systems when an approved public sewer is available and require owners of private sewage systems to connect to a public sewer when a public sewer becomes available.

This bill prohibits the department from promulgating or enforcing any rule that requires owners of private sewage systems to discontinue use of the private systems and connect to a public sewer because a public sewer becomes available.

This bill is introduced as required by s. 227.26 (2) (f), stats., in support of the action of the joint committee for review of administrative rules in suspending a portion of section Comm 83.03 (2), Wis. Adm. Code, a department rule, on December 8, 1998. The suspended portion of the rule required owners of private sewage systems to connect to a public sewer and discontinue use of the private sewage systems when a public sewer becomes available.

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

3

SECTION 145.02 (5) of the statutes is created to read:  
2188m

Item#. Page 1144, line 23: after that line insert:



**SENATE BILL 102**

**SECTION 1**

1           145.02 (5) Notwithstanding subs. (2) and (3), the department may not  
2 promulgate or enforce a rule that requires the owner of a private sewage system to  
3 discontinue use of the private sewage system and connect to a public sewer because  
4 a public sewer becomes available. 0

5

~~END~~



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0903/1  
MES&RJM:wlj:jf

ARC:.....Tompach – Am. # 124; Municipal sewer system hookups

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