



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0680/1  
MDK:lmk:rs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 498**

April 13, 2006 – Offered by Representative NASS.

1     **AN ACT to amend** 182.0175 (2m) (a) 2. and 182.0175 (2m) (b) (intro.); and **to**  
2           **create** 182.0175 (1) (bt), 182.0175 (2m) (bm) and 182.0715 (2r) of the statutes;  
3           **relating to:** excavation notices and installation of certain water and sewer  
4           laterals.

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

5           **SECTION 1.** 182.0175 (1) (bt) of the statutes is created to read:

6           182.0175 (1) (bt) “Local governmental unit” means a political subdivision of  
7           this state, a special purpose district in this state, an instrumentality or corporation  
8           of such a political subdivision or special purpose district, a combination or subunit  
9           of any of the foregoing or an instrumentality of the state and any of the foregoing.

10          **SECTION 2.** 182.0175 (2m) (a) 2. of the statutes is amended to read:

1           182.0175 **(2m)** (a) 2. Respond to an excavation notice within 3 working days  
2 by marking the location of transmission facilities and, if applicable, laterals as  
3 provided under par. (b) in the area described in the excavation notice.

4           **SECTION 3.** 182.0175 (2m) (b) (intro.) of the statutes is amended to read:

5           182.0175 **(2m)** (b) *Facilities marking.* (intro.) A person owning transmission  
6 facilities, upon receipt of an excavation notice, shall mark in a reasonable manner  
7 the locations of transmission facilities at the area described in the notice to enable  
8 the excavator to locate the transmission facilities without endangering the security  
9 of the facilities or the public. Except as provided in par. (bm), if the person is a local  
10 governmental unit and if the excavation notice relates to sewer or water facilities  
11 owned by the local governmental unit, the local governmental unit shall also mark  
12 the locations within the public right-of-way of all laterals connected to the sewer or  
13 water facilities at the area described in the notice. A local governmental unit may  
14 charge a reasonable fee for marking such locations within the public right-of-way.  
15 The marking of facilities shall be completed within 3 working days after receipt of  
16 the notice, or if notice is given more than 10 days before excavation is scheduled to  
17 begin, marking shall be completed at least 3 working days before excavation is  
18 scheduled to begin. If the approximate location of a transmission facility is marked  
19 with paint, flags, stakes or other physical means, the following color coding of lines,  
20 cables or conduits shall comply with the uniform color code adopted by the American  
21 National Standards Institute:

22           **SECTION 4.** 182.0175 (2m) (bm) of the statutes is created to read:

23           182.0175 **(2m)** (bm) In lieu of marking within the public right-of-way the  
24 locations of sewer or water service laterals, a local governmental unit may make  
25 available to an excavator, for inspection and making copies, information on the

1 location of such laterals as shown on maps, drawings, diagrams, or other records,  
2 that are readily available. If a local governmental unit has no such readily available  
3 information regarding such laterals and the local governmental unit provides the  
4 excavator with a written notice that the local governmental unit has no such readily  
5 available information, the local governmental unit is considered to have satisfied the  
6 requirement under par. (b) to mark the locations within the public right-of-way of  
7 all laterals connected to the sewer or water facilities.

8 **SECTION 5.** 182.0715 (2r) of the statutes is created to read:

9 182.0715 (2r) FACILITIES INSTALLED AFTER DECEMBER 31, 2006. Any person who,  
10 after December 31, 2006, installs a nonconductive water or sewer lateral shall also  
11 install a locating wire or other equally effective means for marking the location of the  
12 lateral. The requirement shall not apply to minor repairs to, or partial replacements  
13 of, laterals installed before January 1, 2007.

14 **SECTION 6. Initial applicability.**

15 (1) The treatment of section 182.0175 (2m) (b) (intro.) and (bm) of the statutes  
16 first applies, with respect to excavation notices relating to trenchless boring, to  
17 excavation notices that are received on the first day of the 2nd month beginning after  
18 the effective date of this subsection and first applies, with respect to all other  
19 excavation notices, to excavation notices that are received on the first day of the 36th  
20 month beginning after the effective date of this subsection.

21 (END)