

State of Misconsin 2007 - 2008 LEGISLATURE

## 2007 SENATE BILL 274

September 27, 2007 – Introduced by Senators MILLER, COWLES, LASSA, LAZICH, LEHMAN, OLSEN and SCHULTZ, cosponsored by Representatives GUNDERSON, MUSSER, BERCEAU, HAHN, LEMAHIEU, MURSAU, A. OTT and TURNER. Referred to Committee on Environment and Natural Resources.

AN ACT to amend 145.12 (5) (a); and to create 145.20 (6) of the statutes; relating to: restrictions relating to soil testing and the installation, design, maintenance, repair, and sale of private sewage systems and providing a penalty.

## Analysis by the Legislative Reference Bureau

Current law makes certain local governmental units, generally counties, responsible for the regulation of septic systems and other private sewage systems. For example, the law requires the local governmental units to review soil test reports and to inspect private sewage systems after construction but before backfilling.

This bill prohibits a local governmental unit employee who has responsibilities related to the regulation of private sewage systems from doing any of the following:

- 1. Performing soil testing.
- 2. Installing, maintaining, or repairing private sewage systems.
- 3. Selling private sewage systems.
- 4. Designing private sewage systems.

The bill authorizes the Department of Commerce to directly assess a forfeiture of no more than \$2,000 against a person who violates the prohibitions created in the bill.

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

2007 – 2008 Legislature

## **SENATE BILL 274**

1	<b>SECTION 1.</b> 145.12 (5) (a) of the statutes is amended to read:
<b>2</b>	145.12 (5) (a) In lieu of any other penalty under this section, the department
3	may directly assess a forfeiture by issuing an order against any person who violates
4	s. 145.06 <u>or 145.20 (6)</u> . The department may not assess a forfeiture exceeding \$2,000
5	for each violation.
6	<b>SECTION 2.</b> 145.20 (6) of the statutes is created to read:
7	145.20 (6) RESTRICTIONS ON REVIEWERS AND INSPECTORS. A governmental unit
8	employee who has responsibilities related to any of the activities under sub. (2) (a)
9	to (i) may not do any of the following:
10	(a) Conduct any activities for which certification is required under s. 145.045
11	(1), except that the employee may review and verify soil tester reports as provided
12	in sub. (2) (a).
13	(b) Install, design, maintain, repair, or sell a private sewage systems
14	component of a private sewage system, drain field designed to serve a private sewage
15	system, or pipe from a private sewage system to the immediate inside of the existing
16	or proposed foundation wall of the building served by the private sewage system.
17	SECTION 3. Effective date.
18	(1) This act takes effect on the first day of the 7th month beginning after
19	publication.
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(END)