

1999 DRAFTING REQUEST

Bill

Received: **10/7/98**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Justus**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - priv swg sys**

Extra Copies: **RCT**

Topic:

DOA:.....Justus - Allowing governmental units to delegate the administration and enforcement of the private sewage system program to the department of commerce and sanitary permits for the installation of private sewage systems

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	mlief 11/25/98	ygeller 11/25/98	hhagen 11/30/98	_____	lrb_docadmin 11/30/98		S&L
/2	mlief 12/18/98	ygeller 12/18/98	ismith 12/18/98	_____	lrb_docadmin 12/18/98		S&L
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/4	mlief 02/2/99	ygeller 02/2/99	ismith 02/3/99	_____	lrb_docadmin 02/3/99		S&L

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FE Sent For:

14 1/2 jlg

IS
2/3/99

IS/WJ
2/3/99

<END>

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/2	mlief 12/18/98	ygeller 12/18/98	ismith 12/18/98	_____	lrb_docadmin 12/18/98		S&L

Handwritten notes:
 13 12/23 jlg
 km 12/23
 JS 12/23
 km 23

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<END>

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Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - priv swg sys**

Extra Copies: **RCT**, *Bob DuPont
(Dept. of
Commerce)*

Topic:

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12/12/98 jlg

12/18 IS

12/18 IS/JF

13/23 jlg

<END>

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Wanted: As time permits

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By/Representing: Justus

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Alt. Drafters:

Subject: Buildings/Safety - priv swg sys

Extra Copies: RCT; Bob DuPont
(Dept. of Commerce)

Topic:

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/?	mlief	1-11-25-98 UG #1130		11/15/20			S&L

FE Sent For:

<END>

the counties that administer the Wisconsin Fund Program are aware of properties that are used seasonally or have lower occupancy than what was used when determining the size of the POWTS system serving the property. In such cases, it is not necessary to "inspect" the system every three years. Also, it is not necessary to pump the septic tank every three years. Excessive pumping can actually be detrimental to the operation of that system. This change will require that these activities must be done in accordance with rules promulgated by the Department. The agency can then, by rule, allow a different frequency schedule for dwellings occupied on a seasonal basis or dwellings that have a lower occupancy than what was used when determining the size of the POWTS system serving the property.

G. Wisconsin Fund Eligibility.

Intent. The Department proposes to amend s. 145.245 (5) (a) 1, Stats., so that grant eligibility is tied to the age of the private sewage system – not to the age of the structure.

Current statutes tie Wisconsin Fund grant eligibility to the age of the structure served by a private onsite wastewater treatment system (POWTS), not to the age of the system. The grants are for replacement or rehabilitation of POWTS systems. Age of the structure should not be one of the criteria. There are two main reasons for this. 1) As currently worded, the statutes may allow for the funding of a POWTS system to replace a system that was installed after 1978 because it is serving a structure that was built prior to 1978. This is not the intent of the program. 2) There are numerous instances where a structure such as a mobile home is built or placed on a site prior to 1978 and served by a POWTS installed prior to 1978. This structure is destroyed by fire or tornado and is replaced by a newer structure or mobile home. The newer structure or mobile home is still served by an older pre-1978 POWTS system. If that system were to be replaced, it would not be considered grant eligible under current law. This change will tie the basis for eligibility to the age of the POWTS system. The change will advance the real goal of the Wisconsin Fund program. The focus is on pre-1978 POWTS that are failing, not on pre-1978 buildings or post-1978 POWTS.

H. Sanitary Permits.

Intent. The Department proposes to place all of the provisions on sanitary permits in one statutory section by combining the current two ss. 145.135 and 145.19, into one and eliminating the redundant and outdated provisions.

Many provisions under ss. 145.135 and 145.19, Stats., relating to sanitary permits are redundant, inconsistent and outdated. This change will place all provisions on sanitary permits in one section of the statutes. Specific issues include:

Meeting w/
Sarah Josty,
Bob DuBois
Jim Quast
Roman Kanigorski
11/16/58

- Allow both
dept + loc. govt to

issue sanitary permits (under current law, dept only issues permits for state-owned facilities).

* See also attached follow-up memos from Sarah

- Section 145.135 is titled "Sanitary permits", while s. 145.19 is titled "Sanitary permit".
- Under s. 145.135 (1), it defines a "sanitary permit" as a permit issued by the department or any governmental unit responsible for the regulation of private sewage. However, under s. 145.19 (1) only the governmental unit is recognized as issuing a sanitary permit, which is also inconsistent with the present practice of the department issuing sanitary permits for state-owned projects.
- Section 145.19 (1) makes reference to holding a sanitary permit in order to purchase or sell a septic tank. At one point in time, over 25 years ago, a septic tank permit was required. This type of provision appears to be unnecessary in that a private sewage system cannot be installed without the sanitary permit.

Changes Proposed by Safety & Buildings Staff:

- Repeal s. 145.135 and repeal and recreating s. 145.19 to read:

145.19 Sanitary permits. (1) (a) Validity. In this section, "sanitary permit" means a permit issued by the department or any governmental unit responsible for the regulation of private sewage systems for the installation of a private sewage system.

(b) No person may install a private sewage system unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods thereafter. A governmental unit responsible for the regulation of private sewage systems may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any 12-month period. A sanitary permit shall remain valid to the end of the established period, notwithstanding any change in the state plumbing code or in any private sewage system ordinance during that period. A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent. The results of any percolation test or other test relating to the disposal of liquid domestic wastes into the soil shall be retained by the governmental unit responsible for the regulation of private sewage systems where the property is located. The governmental unit responsible for the regulation of private sewage systems shall make the test results available to an applicant for a sanitary permit and shall accept the test results as the basis for a sanitary permit application unless the soil at the test site is altered to the extent that a new soil test is necessary.

(2) Notice. A sanitary permit shall include a notice displayed conspicuously and separately on the permit form, to inform the permit holder that:

~~XXXXXXXXXX~~

R

→ move to sub(4)

- (a) The purpose of the sanitary permit is to allow installation of the private sewage system described in the permit.
- (b) The approval of the sanitary permit is based on regulations in force on the date of approval.
- (c) The sanitary permit is valid and may be renewed for a specified period.
- (d) Changed regulations will not impair the validity of a sanitary permit.
- (e) Renewal of the sanitary permit will be based on regulations in force at the time renewal is sought, and that changed regulations may impede renewal.
- (f) The sanitary permit is transferable.

(3) Requirement; information; forms. The department shall prescribe the information to be included in the sanitary permit and furnish sanitary permit forms to the governmental unit. The applicant shall submit the completed sanitary permit to the governmental unit or the department. The governmental unit or the department shall approve or disapprove the sanitary permit according to the rules promulgated by the department under this chapter.

→ see 145.19

(4) ~~Fee~~ ^{for} No fee for a sanitary permit may be less than \$61, or the amount determined under department rule. The governing body for the governmental unit responsible for the regulation of private sewage systems may establish a fee for a sanitary permit which is more than \$61, or the amount determined under department rule.

(5) ~~Copy of permit forwarded to the department.~~ ^{of} The governmental unit responsible for the regulation of private sewage systems shall forward a copy of each valid sanitary permit and \$20, or the amount determined under department rule, of the fee to the department within 90 days after the permit is issued.

(6) ^{of} Use of fee. The portion of this fee retained by the governmental unit responsible for the regulation of private sewage systems shall be used for the administration of private sewage system programs.

(7) ~~Fee adjustment.~~ The department, by rule promulgated under ch. 227, may adjust the minimum permit fee under sub. (4) and the fee portion forwarded under sub. (5).

(8) ~~Groundwater fee.~~ In addition to the fee under sub. (4), the governmental unit responsible for the regulation of private sewage systems shall collect a

groundwater fee of \$25 for each sanitary permit. The governmental unit shall forward this fee to the department together with the copy of the sanitary permit and the fee under sub. (5). The moneys collected under this subsection shall be credited to the environmental fund for environmental management.

Note:

If the changes are implemented allowing the department to issue sanitary permits, local governmental units may be concerned about systems installed within their jurisdictions. To alleviate concerns that governmental units would be uninformed as to the installation of systems to be installed within their jurisdiction or a loss of review source, the department could:

- Require an individual to file a copy of sanitary permit with the governmental unit having jurisdiction before initiating the installation when the permit has been issued by the department; and
- Recognize a governmental unit's ability to require a "permit", not another sanitary permit, or "registration fee" before installing the system.

*Ignore
per meeting*

8

I. Plumbing License Suspension and Revocations.

Intent. The Department proposes to repeal and recreate s. 145.10 Stats., to read:

"The department shall adopt rules prescribing the procedures for the denial, suspension or revocation licenses, certifications and registrations under this chapter."

The current statutory provisions of s. 145.10, Stats., delineate specific grounds and procedures relating to suspension and revocation of plumbing licenses. These statutory provisions are more specific than the statutory provisions of Ch. 101, Stats., and are inconsistent with what has been determined to be the best practice suspension/revocation procedure reflected in Chapter Comm 5, Wisconsin Code, for all other individuals and businesses credentialed by the Department. The proposed changes would allow the Department to revise the rules under Comm 5.10 to enact efficient and effective procedures that will treat all credential categories consistently and fairly. Without the change, the Department will have to operate under two separate suspension/revocation procedures; one for plumbers and one for all other credential holders.

9

J. Local Water and Sewerage Systems.

Intent. The Department proposes to delete s. 145.04 (3), Stats.

Section 145.04, Stats., requires local authorities to report to the Department on each failure on the part of a state licensed plumber to qualify as a journeyman or master plumber and each willful violation of any plumbing regulation. It is

MEMORANDUM

DATE: October 1, 1998

TO: Sarah Justus, Executive Budget and Policy Analyst
State Budget Office
Department of Administration

FROM: Louis Cornelius, Director
Bureau of Budget and Policy

SUBJECT: STATUTORY LANGUAGE REQUEST FOR 1999-2001 BIENNIAL BUDGET

As I noted when we submitted the 1999-2001 biennial budget request, we are submitting our statutory language requests to you to send to the Legislative Reference Bureau. Because many budget decisions were made in the latter stages of the budget development process, it appeared more efficient to have the drafts sent by and returned to you.

You will notice that one statutory change we proposed with our budget submittal, the "Transfer of Hospital, Nursing Home and Community-Based Residential Facilities (CBRF) Plan Review and Construction Inspection Responsibilities from the Department of Health and Family Services to the Department of Commerce, is not included. At this point, there are discussions taking place between the two agencies regarding the scope and details. When these discussions are concluded, I will send you the final resolution. In the interim, I will keep you informed on the progress of the discussions.

Finally, if you or the drafter have any specific questions on the proposed statutory changes, please contact Bob DuPont on items relating to the Division of Safety and Buildings (266-8984), Julie Keal on items relating to the Divisions of Community Development, International, and Environmental and Regulatory Services (266-6748) and me on items relating to the Divisions of Economic Development, Marketing, Advocacy and Technology Development, and Administrative Services. I can be reached at 266-8629.

We are continuing to work on the background papers and on responses to your questions.

DEPARTMENT OF COMMERCE 1999-2001 STATUTORY LANGUAGE CHANGES

I. Division of Safety and Buildings:

A. Private Sewage System Administration.

Intent. The Department proposes that governmental units be given the option of deferring the administration and enforcement of the private sewage program to the Department of Commerce.

Under ss. 59.70 (5) and 145.20 (2), Stats., governmental units are mandated to administer and enforce the statutory provisions, as well as the Department's regulations, relating to private sewage systems. At times, these units have voiced concerns about the unfunded mandates associated with the administration and enforcement of this program. This proposed change amends s. 59.70 (5) (b), Stats., to give governmental units the option of deferring the administration and enforcement of the private sewage system program to the Department of Commerce. This proposed change will provide flexibility to governmental units in order to balance their priorities and resources, and it recognizes the department's willingness to be an active partner to protect public health and the waters of the state.

Change Proposed by Division of Safety and Buildings Staff.

Amend s. 59.70 (5) (b) to acknowledge an exception; to read:

~~The~~ Except as provided in par. (c), the governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (5), shall administer the private sewage system ordinance under s. 145.20 and the rules promulgated under s. 145.20.

Create s. 59.70 (5) (c) to read:

The governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (5), may by mutual agreement between the governmental unit and the department of commerce defer administration of all or part of the private sewage program in accordance with the rules promulgated under s. 145.20.

B. POWTS Inspectors.


Intent. The Department proposes s. 145.245 (3), Stats., be amended to remove pumpers from the inspection category. The Department also proposes that s. 145.245 (3), Stats., be amended to add the private onsite wastewater system (POWTS) inspector credential as an acceptable option.

CORRESPONDENCE MEMORANDUM

**STATE OF WISCONSIN
Department of Administration**

Date: November 20, 1998

To: Steve Miller
Chief, Legislative Reference Bureau

From: Sarah Justus
State Budget Office 

Subject: Modification to LRB draft, private sewage system administration

As discussed in a meeting between myself, Lonnie Lief and the department, please delete the last sentence of s. 145.20 (3) (c). This would eliminate the provision that a governmental unit may not issue sanitary permits if the department determines there is a violation of the code.

Post-It® Fax Note	7671	Date	11/20	# of pages	1
To	Steve Miller	From	Sarah		
Co./Dept.	Lonnie Lief	Co.	DOA - SBO		
Phone #		Phone #	6-7329		
Fax #	4-8522	Fax #			

CORRESPONDENCE MEMORANDUM

**STATE OF WISCONSIN
Department of Administration**

Date: November 18, 1998

To: Steve Miller
Chief, Legislative Reference Bureau

From: Sarah Justus
State Budget Office



Subject: Modifications to LRB Draft #0515

Please modify LRB Draft #0515 to clarify that both the Department of Commerce and local units of government may issues sanitary permits. Please repeal s. 145.045 (3) and modify 145.20 (2) (b) to read "Assist applicants in preparing an approvable application."
Please call me with any questions.

Thank you.
Sarah Justus

Post-It® Fax Note	7671	Date	11/18	# of pages	1
To	Steve Miller and	From	Sarah		
Co./Dept.	Lonnie Leaf	Co.	DOA		
Phone #		Phone #	6-7329		
Fax #	4-8522	Fax #			



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0515/1

MJL:.....

Jlg

DOA:.....Justus - Allowing governmental units to delegate the administration and enforcement of the private sewage system program to the department of commerce and sanitary permits for the installation of private sewage systems

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

D-N

SOON (to editing 11/25/)

COMMERCE AND ECONOMIC DEVELOPMENT

HEAD

BUILDINGS AND SAFETY

sub

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

Current law charges governmental units (counties in which private sewage systems are located or, for counties with a population of at least 500,000, the cities, villages or towns in which such systems are located) with certain regulatory duties concerning private sewage systems. Governmental units may delegate these regulatory duties to town sanitary districts or certain public inland lake protection and rehabilitation districts if these districts consent. This bill permits governmental units to delegate these regulatory duties to the department of commerce (department) if the department consents.

Under current law, one statute authorizes governmental units to issue sanitary permits for the installation of private sewage systems and another statute authorizes both the department and governmental units to issue sanitary permits. The department's practice has been to issue sanitary permits for ~~for~~ the installation of private sewage systems on state-owned property only. This bill consolidates the two authorizing statutes into one statute that permits both the department and governmental units to issue sanitary permits for the installation of private sewage systems on either private or state-owned property.

Current law permits plumbers and septic tank installers to be soil testers and install any private sewage system after the department or the governmental unit

approves the site or the project. Current law also prohibits a governmental unit from issuing a sanitary permit for the installation of a private sewage system if the department finds that the governmental unit has not adopted a private sewage system ordinance (as required by law) or if the governmental unit fails to carry out its regulatory duties concerning private sewage systems. This bill repeals both these provisions.

For further information see the *state and local* 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.** 25.46 (5c) of the statutes is amended to read:

2 25.46 (5c) The moneys collected under s. 145.19 ~~(6)~~ (9) for environmental
3 management.

4 History: 1983 a. 410; 1985 a. 29; 1987 a. 27; 1989 a. 31, 335; ~~1991 a. 39, 112, 269, 309~~; 1993 a. 16, 261, 453, 458; 1995 a. 27, 227; 1997 a. 27.

4 **SECTION 2.** 145.045 (3) of the statutes is repealed.

5 **SECTION 3.** 145.135 ~~X~~ of the statutes is repealed.

6 **SECTION 4.** 145.19 of the statutes is repealed and recreated to read:

7 **145.19 Sanitary permits.** ~~(1)~~ **(1) DEFINITIONS.** In this section, "sanitary permit"
8 means a permit issued by the department ~~or~~ any governmental unit responsible for
9 the regulation of private sewage systems that authorizes the installation of a private
10 sewage system.

11 **(2) VALIDITY.** ~~No~~ person may install a private sewage system unless the owner
12 of the property on which the private sewage system is to be installed holds a valid
13 sanitary permit. A sanitary permit is valid for 2 ~~years~~ years from the date of issue,
14 notwithstanding any change in the state plumbing code or in any private sewage
15 system ordinance during that period, and is renewable for 2 ~~year~~ year periods. A renewal
16 of a sanitary permit is governed by the rules in effect at the time the renewal is
17 sought. A holder of a sanitary permit may transfer the sanitary permit to a

1 subsequent owner of the land, except that the subsequent owner shall obtain a new
2 copy of the sanitary permit from the issuing agent. The governmental unit
3 responsible for the regulation of private sewage systems where the property is
4 located shall retain the results of any percolation test or other test relating to the
5 disposal of liquid domestic wastes into the soil, make the test results available to an
6 applicant for a sanitary permit and accept the test results as the basis for a sanitary
7 permit application, unless the soil at the test site is altered to the extent that a new
8 soil test is necessary.

9 (3) NOTICE. ✓ A sanitary permit shall include a notice displayed conspicuously
10 and separately on the permit form to inform the permit holder that:

11 (a) The purpose of the sanitary permit is to allow installation of the private
12 sewage system described in the permit.

13 (b) The approval of the sanitary permit is based on rules in force on the date
14 of approval.

15 (c) The sanitary permit is valid and may be renewed for a ✓2-year period.

16 (d) Changed rules will not impair the validity of a sanitary permit, but they may
17 impede renewal.

18 (e) The sanitary permit is transferable.

19 (4) INFORMATION ON SANITARY PERMITS; FORMS. ✓ (a) The department shall
20 prescribe the information to be included on the sanitary permit and shall furnish
21 sanitary permit forms to the governmental unit responsible for the regulation of
22 private sewage systems.

23 (b) The applicant for a sanitary permit shall submit the completed sanitary
24 permit to the governmental unit responsible for the regulation of private sewage
25 systems or the department. ✓ The governmental unit responsible for the regulation

1 of private sewage systems or the department, whichever is appropriate, shall
2 approve or disapprove the sanitary permit according to the rules promulgated by the
3 department under ss. 145.02[✓] and 145.13[✓].

4 (5) FEE. (a) No fee for a sanitary permit may be less than \$61[✓], or the amount
5 determined under department rule. The governing body for the governmental unit
6 responsible for the regulation of private sewage systems may establish a fee for a
7 sanitary permit which is more than \$61, or the amount determined under
8 department rule.

9 (b) A governmental unit responsible for the regulation of private sewage
10 systems may not charge more than one fee for a sanitary permit or the renewal of a
11 sanitary permit in a 12[✓]-month period.

12 (6) COPY OF PERMIT FORWARDED TO THE DEPARTMENT. The governmental unit
13 responsible for the regulation of private sewage systems shall forward a copy of each
14 valid sanitary permit and \$20[✓], or the amount determined under department rule, of
15 the fee to the department within 90[✓] days after the permit is issued.

16 (7) USE OF FEE. The governmental unit responsible for the regulation of private
17 sewage systems shall use the portion of the fee it retains for the administration of
18 private sewage system programs.

19 History: 1979 c. 34, 221; 1983 a. 27; 1983 a. 189 s. 329 (20); 1983 a. 410; 1987 a. 27; 1989 a. 31; 1997 a. 27.

20 (8) FEE ADJUSTMENT. The department may by rule adjust the minimum permit
21 fee under sub. (5) (a)[✓] and the fee portion forwarded under sub. (6)[✓].

22 History: 1979 c. 34, 221; 1983 a. 27; 1983 a. 189 s. 329 (20); 1983 a. 410; 1987 a. 27; 1989 a. 31; 1997 a. 27.

23 (9) GROUNDWATER FEE. In addition to the fee under sub. (5)[✓], the governmental
24 unit responsible for the regulation of private sewage systems shall collect a
groundwater fee of \$25[✓] for each sanitary permit. The governmental unit shall
forward this fee to the department together with the copy of the sanitary permit and

1 the fee under sub. (6). The moneys collected under this subsection[✓] shall be credited
2 to the environmental fund for environmental management.[✓]

3 **SECTION 5.** 145.20 (1) (ar) of the statutes is created to read:

4 145.20 (1) (ar) The governmental unit responsible for the regulation of private
5 sewage systems may, with the department's consent, delegate the administration of
6 any of the responsibilities under sub. (2)[✓] to the department. If the department
7 consents to the delegation, it may contract for the administration of the delegated
8 responsibilities.

9 **SECTION 6.** 145.20 (2) (intro.) of the statutes is amended to read:

10 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) The Except as
11 provided under sub. (1) (am)[✓] and (ar)[✓], the governmental unit responsible for the
12 regulation of private sewage systems shall:

13 History: 1979 c. 34, 221; 1981 c. 120; 1983 a. 192 s. 303 (7); 1983 a. 410; 1987 a. 27, 160; 1989 a. 31; 1993 a. 16, 27; 1995 a. 201, 227.

13 **SECTION 7.** 145.20 (2) (b) of the statutes is amended to read:

14 145.20 (2) (b) ~~Approve or disapprove applications for sanitary permits and~~
15 ~~assist~~ Assist[✓] applicants in preparing an approvable application sanitary permit
16 applications.

17 History: 1979 c. 34, 221; 1981 c. 120; 1983 a. 192 s. 303 (7); 1983 a. 410; 1987 a. 27, 160; 1989 a. 31; 1993 a. 16, 27; 1995 a. 201, 227.

17 **SECTION 8.** 145.20 (3) (c) of the statutes is amended to read:

18 145.20 (3) (c) If the governing body for a governmental unit responsible for the
19 regulation of private sewage systems does not adopt a private sewage system
20 ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit does
21 not appoint personnel meeting the requirements of sub. (1) or if the governmental
22 unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department
23 may conduct hearings in the county seat upon 30 days' notice to the county clerk.
24 As soon as practicable after the public hearing, the department shall issue a written

1 decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). [✓]If the
2 ~~department determines that there is a violation of these provisions, the~~
3 ~~governmental unit may not issue a sanitary permit for the installation of a private~~
4 ~~sewage system until the violation is corrected.~~

5 **History:** 1979 c. 34, 221; 1981 c. 120; 1983 a. 192 s. 303 (7); 1983 a. 410; 1987 a. 27, 160; 1989 a. 31; 1993 a. 16, 27; 1995 a. 201, 227.

(END)✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0515/1dn

MJL:.....

Jlg

Sarah:

1. Note that in s. 145.19 (4) (b),[✓] as repealed and recreated by this bill, I changed the end of the last sentence to read "according to the rules promulgated by the department under ss. 145.02 and 145.13" because the current cross-reference to "chapter" is too broad.

2. Section 145.19 (5) (b),[✓] which is taken from current law, prohibits a governmental unit from charging more than one fee in any twelve-month period, yet the sanitary permits are valid for two years. I am not sure I understand how this prohibition works.

3. Do you want the requirement of s. 145.19 (2)[✓] (pertaining to test results), the restriction under s. 145.19 (5) (b)[✓] and the collection of the groundwater fee under s. 145.19 (9)[✓] to apply to the department?

4. Section 145.20 (2) (b)[✓] refers to sanitary permit "applications," yet s. 145.19 (4) (a)[✓] refers to sanitary permit "forms." In addition, s. 145.19 (4) (b) requires an applicant for a sanitary permit to submit the completed "sanitary permit" to the governmental unit or the department for its approval. I would recommend using one term, either "form" or "application," to describe whatever it is the applicant is supposed to complete. If, in fact, the applicant completes a form that, when approved, becomes a permit, please let me know, and I will redraft the bill accordingly.

5. As requested, I struck the last sentence of s. 145.20 (3) (c).[✓] However, I think that one could interpret the amended paragraph to prohibit the department from issuing any order to remedy a violation because the only power that remains is the power to write a decision concerning the violation. If the department has specific sanctions, short of not issuing the sanitary permit, that it wishes to impose, they should be included in this paragraph. Alternatively, I could amend the paragraph to provide that the department may issue an order directing the governmental unit to remedy the violation.

Madelon J. Lief
Legislative Attorney
267-7380

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0515/1dn
MJL;jlg:hmh

Monday, November 30, 1998

Sarah:

1. Note that in s. 145.19 (4) (b), as repealed and recreated by this bill, I changed the end of the last sentence to read "according to the rules promulgated by the department under ss. 145.02 and 145.13" because the current cross-reference to "chapter" is too broad.

2. Section 145.19 (5) (b), which is taken from current law, prohibits a governmental unit from charging more than one fee in any twelve-month period, yet the sanitary permits are valid for two years. I am not sure I understand how this prohibition works.

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Madelon J. Lief
Legislative Attorney
267-7380

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF EXECUTIVE BUDGET AND FINANCE
DOA-5187 N(R08/95)

FACSIMILE COVER MESSAGE

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THE FACSIMILE MACHINE COPIES ONE SIDE OF DOCUMENT

TO <i>Lonnie Lief</i>		Facsimile Telephone Number	
Name		<i>4-8522</i>	
Location	Room Number	Telephone Number	
<i>LRB</i>			
FROM (Sender) <i>Sarah</i>		Facsimile Telephone Number	
Name		<i>(608) 267-0372</i>	
Location	Number of Pages Including This Cover Sheet	Telephone Number	
<i>101 East Wilson Street, 10th Floor; Madison, WI 53702</i>	<i>2</i>	<i>6-7329</i>	

COMMENTS / INSTRUCTIONS

I think your e-mail may be in our global address list incorrectly. Here's a copy of the comments.

Sarah

Justus, Sarah

From: DuPont, Robert
Sent: Thursday, December 10, 1998 3:07 PM
To: Justus, Sarah; Lief, Madelon J.
Cc: Cornelius, Louie; Wong, Manyee; Kaminski, Roman; Quast, Jim
Subject: RE: LRB Draft: 99-0515/1

After discussing the latest draft with Quast and Kaminski I have the following comments:

Relative to the drafter's note from Lonnie, I will respond according to the numbered paragraphs in that note.

1. The change to s. 145.19 (4) (b) - referencing rules promulgated under ss. 145.02 and 145.13 - is OK. ✓
2. We request that Section 145.19 (5) (b) be repealed. This language is confusing in light of the fact that the sanitary permit is valid for two years. ✓
3. We request that Section 145.19 (2) be broken down into subsections (a), (b), (c) and (d), with the first four sentences each being a separate subsection. Then ~~the~~ last sentence - relating to retaining test results - should be moved to a new section 145.20 (2) (am). ✓

The restriction under s.145.19 (5) (b) should be repealed as requested under # 2 above. ✓

YES - the collection of the groundwater fee under s. 145.19 (9) should also apply to the department.

4. We would like to clear up the language pertaining to applications, permits, etc. We request the following: ✓

- * Under s. 145.20 (2) (b), leave the reference to permit "applications" as it is proposed.

- * Under s. 145.19 (4) (a), leave the reference to sanitary permit "forms" - since this is telling Commerce to provide forms for the actual sanitary permit form (the card that gets posted at the jobsite). Commerce provides those permit cards now. ✓

- * Under s. 145.20 (4) (b), add the words "application form" after the second occurrence of the word "permit" in the first sentence. In the second sentence, add the word "application" after the word "permit". These changes would make it clear that it is an APPLICATION that is to be submitted and not the actual permit form, and also that the governmental unit shall approve or disapprove an APPLICATION, not the permit. ✓

5. Under s. 145.20 (3) (c), we request that the last sentence be amended as Lonnie offered - to provide that the department may issue an order directing the governmental unit to remedy the violation. The last sentence of that section could then read "If the department determines that there is a violation of these provisions, the department may issue an order directing the governmental unit to remedy the violation." ✓

In addition, I have a concern about the third paragraph of the analysis that precedes the statute text. Where the paragraph states that "Current law permits plumbers..." the reader could be left with the impression that this permission is needed. Then couple that with the last sentence that says that the provision (to permit) would be repealed and I am concerned that the reader will be left with the impression that a plumber would no longer be able to also be a soil tester. Since there is no place in the law that even hints at any prohibition of this kind, I think the analysis should reflect that. (Makes ya wonder why the "permission" was ever written into the law, doesn't it?)

I hope I have covered all the bases with this memo. Thanks go to both of you for helping on this!

→ To w/ Sarah Justus - 12/18/98

Dept wants to repeal this sub. because they feel the provision itself is unnecessary. The description of the repeal in analysis might lead people to think that plumbers can't be soil testers.

----- Original Message -----
From: Justus, Sarah
Sent: Monday, November 30, 1998 10:50 AM
To: DuPont, Robert
Cc: Cornelius, Louie; Wong, Manyee
Subject: FW: LRB Draft: 99-0515/1

Technical Change

Please see the draft below regarding private sewage system administration and sanitary permits. There are some very specific questions in the drafter's note, please send your answers and any concerns to both myself and Lonnie Lief.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0515/2
MJL:jlg:hmh

DOA:.....Justus - Allowing governmental units to delegate the administration and enforcement of the private sewage system program to the department of commerce and sanitary permits for the installation of private sewage systems

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

SOON
D-N To editing 12/18/98

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

Current law charges governmental units (counties in which private sewage systems are located or, for counties with a population of at least 500,000, the cities, villages or towns in which such systems are located) with certain regulatory duties concerning private sewage systems. Governmental units may delegate these regulatory duties to town sanitary districts or certain public inland lake protection and rehabilitation districts if these districts consent. This bill permits governmental units to delegate these regulatory duties to the department of commerce (department) if the department consents.

Under current law, one statute authorizes governmental units to issue sanitary permits for the installation of private sewage systems and another statute authorizes both the department and governmental units to issue sanitary permits. The department's practice has been to issue sanitary permits for the installation of private sewage systems on state-owned property only. This bill consolidates the two authorizing statutes into one statute that permits both the department and

governmental units to issue sanitary permits for the installation of private sewage systems on either private or state-owned property. ^{plain period}

Current law permits plumbers and septic tank installers to be soil testers and install any private sewage system after the department or the governmental unit approves the site or the project. Current law ~~also~~ prohibits a governmental unit from issuing a sanitary permit for the installation of a private sewage system if the department finds that the governmental unit has not adopted a private sewage system ordinance (as required by law) or if the governmental unit fails to carry out its regulatory duties concerning private sewage systems. This bill ~~repeals both these provisions~~ ^{provides instead that the department may order the governmental unit}

For further information see the *state and local* 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. 25.46 (5c) of the statutes is amended to read:

2 25.46 (5c) The moneys collected under s. 145.19 (6) (9) for environmental
3 management.

4 SECTION 2. 145.045 (3) of the statutes is repealed.

5 SECTION 3. 145.135 of the statutes is repealed.

6 SECTION 4. 145.19 of the statutes is repealed and recreated to read:

7 **145.19 Sanitary permits.** (1) DEFINITIONS. In this section, "sanitary permit"
8 means a permit issued by the department or any governmental unit responsible for
9 the regulation of private sewage systems that authorizes the installation of a private
10 sewage system. ^{ch (a)}

11 (2) VALIDITY. No person may install a private sewage system unless the owner
12 of the property on which the private sewage system is to be installed holds a valid
13 sanitary permit. A sanitary permit is valid for 2 years from the date of issue,
14 notwithstanding any change in the state plumbing code or in any private sewage
15 system ordinance during that period, and is renewable for 2-year periods. A renewal

to remedy its failure to adopt a private sewage system ordinance or carry out its regulatory duties

A (b)

1 of a sanitary permit is governed by the rules in effect at the time the renewal is
 2 sought. A holder of a sanitary permit may transfer the sanitary permit to a
 3 subsequent owner of the land, except that the subsequent owner shall obtain a new
 4 copy of the sanitary permit from the issuing agent. ~~The governmental unit~~
 5 ~~responsible for the regulation of private sewage systems where the property is~~
 6 ~~located shall~~ ^{(B) 145.20(2) (am)} retain the results of any percolation test or other test relating to the
 7 disposal of liquid domestic wastes into the soil, make the test results available to an
 8 applicant for a sanitary permit and accept the test results as the basis for a sanitary
 9 permit application, unless the soil at the test site is altered to the extent that a new
 10 soil test is necessary.

Insert
at
5-15

11 (3) NOTICE. A sanitary permit shall include a notice displayed conspicuously
 12 and separately on the permit form to inform the permit holder that:

13 (a) The purpose of the sanitary permit is to allow installation of the private
 14 sewage system described in the permit.

15 (b) The approval of the sanitary permit is based on rules in force on the date
 16 of approval.

17 (c) The sanitary permit is valid and may be renewed for a 2-year period.

18 (d) Changed rules will not impair the validity of a sanitary permit, but they may
 19 impede renewal.

20 (e) The sanitary permit is transferable.

21 (4) INFORMATION ON SANITARY PERMITS; FORMS. (a) The department shall
 22 prescribe the information to be included on the sanitary permit and shall furnish
 23 sanitary permit forms to the governmental unit responsible for the regulation of
 24 private sewage systems.

1

(b) The applicant for a sanitary permit shall submit ^a completed sanitary

2

permit to the governmental unit responsible for the regulation of private sewage

3

systems or the department. The governmental unit responsible for the regulation

4

of private sewage systems or the department, whichever is appropriate, shall

5

approve or disapprove the sanitary permit ^{application} according to the rules promulgated by the

6

department under ss. 145.02 and 145.13.

7

(5) FEE. ~~(A)~~ No fee for a sanitary permit may be less than \$61, or the amount

8

determined under department rule. The governing body for the governmental unit

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responsible for the regulation of private sewage systems may establish a fee for a

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sanitary permit which is more than \$61, or the amount determined under

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department rule.

12

~~(b) A governmental unit responsible for the regulation of private sewage systems may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in a 12-month period.~~

13

14

15

(6) COPY OF PERMIT FORWARDED TO THE DEPARTMENT. The governmental unit

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responsible for the regulation of private sewage systems shall forward a copy of each

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valid sanitary permit and \$20, or the amount determined under department rule, of

18

the fee to the department within 90 days after the permit is issued.

19

(7) USE OF FEE. The governmental unit responsible for the regulation of private

20

sewage systems shall use the portion of the fee it retains for the administration of

21

private sewage system programs.

22

(8) FEE ADJUSTMENT. The department may by rule adjust the minimum permit

23

fee under sub. (5) ~~(a)~~ and the fee portion forwarded under sub. (6).

24

(9) GROUNDWATER FEE. In addition to the fee under sub. (5), the governmental

25

unit responsible for the regulation of private sewage systems shall collect a

or the department

1 groundwater fee of \$25 for each sanitary permit. The governmental unit shall
 2 forward this fee to the department together with the copy of the sanitary permit and
 3 the fee under sub. (6). The moneys collected under this subsection shall be credited
 4 to the environmental fund for environmental management.

5 **SECTION 5.** 145.20 (1) (ar) of the statutes is created to read:

6 145.20 (1) (ar) The governmental unit responsible for the regulation of private
 7 sewage systems may, with the department's consent, delegate the administration of
 8 any of the responsibilities under sub. (2) to the department. If the department
 9 consents to the delegation, it may contract for the administration of the delegated
 10 responsibilities.

11 **SECTION 6.** 145.20 (2) (intro.) of the statutes is amended to read:

12 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) The Except as
 13 provided under sub. (1) (am) and (ar), the governmental unit responsible for the
 14 regulation of private sewage systems shall:

15 **SECTION 7.** 145.20 (2) (b) of the statutes is amended to read:

16 145.20 (2) (b) ~~Approve or disapprove applications for sanitary permits and~~
 17 ~~assist~~ Assist applicants in preparing an approvable application sanitary permit
 18 applications.

19 **SECTION 8.** 145.20 (3) (c) of the statutes is amended to read:

20 145.20 (3) (c) If the governing body for a governmental unit responsible for the
 21 regulation of private sewage systems does not adopt a private sewage system
 22 ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit does
 23 not appoint personnel meeting the requirements of sub. (1) or if the governmental
 24 unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department
 25 may conduct hearings in the county seat upon 30 days' notice to the county clerk.

SECTION #
 14
 15
 Insert from p. 3

1 As soon as practicable after the public hearing, the department shall issue a written
 2 decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the
 3 department determines that there is a violation of these provisions, the
 4 governmental unit may not issue a sanitary permit for the installation of a private
 5 sewage system until the violation is corrected.

(END)

Remove
striking of period
plain

STET

department may issue an
order directing the
governmental unit to
remedy the violation

D-note
 ↓

LRB-0515/2d

D-N

Sarah:

Ⓐ Note that I created two paragraphs under S. 145.19(2), rather than the four suggested by Bob DuPont, because I think extra parsing detracts from the coherence of the subsection. I have incorporated all Bob's other changes.

MJL

Ⓐ Also, I replaced "the" with "a" on page 4, line 1 (before "completed sanitary") to make it clear that the sanitary permit application is different from the sanitary permit form. I did not call it an "application form" because that expression is redundant (and ambiguous, in light of the earlier reference to "sanitary permit form").

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0515/2dn
MJL:jlg:ijs

December 18, 1998

Sarah:

Note that I created two paragraphs under s. 145.19 (2), rather than the four suggested by Bob DuPont, because I think extra parsing detracts from the coherence of the subsection. Also, I replaced "the" with "a" on page 4, line 1 (before "completed sanitary") to make it clear that the sanitary permit application is different from the sanitary permit form. I did not call it an "application form" because that expression is redundant (and ambiguous, in light of the earlier reference to "sanitary permit form"). I have incorporated all Bob's other changes.

Madelon J. Lief
Legislative Attorney
267-7380



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0515/2
MJL:jlg:ijs

DOA:.....Justus - Allowing governmental units to delegate the administration and enforcement of the private sewage system program to the department of commerce and sanitary permits for the installation of private sewage systems

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

SOON

TO editing 12/23/98

See p. 2

do not gen

1 AN ACT ...; relating to: the budget.

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COMMERCE AND ECONOMIC DEVELOPMENT
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Current law charges governmental units (counties in which private sewage systems are located or, for counties with a population of at least 500,000, the cities, villages or towns in which such systems are located) with certain regulatory duties concerning private sewage systems. Governmental units may delegate these regulatory duties to town sanitary districts or certain public inland lake protection and rehabilitation districts if these districts consent. This bill permits governmental units to delegate these regulatory duties to the department of commerce (department) if the department consents.

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governmental units to issue sanitary permits for the installation of private sewage systems on either private or state-owned property.

Current law prohibits a governmental unit from issuing a sanitary permit for the installation of a private sewage system if the department finds that the governmental unit has not adopted a private sewage system ordinance (as required by law) or if the governmental unit fails to carry out its regulatory duties concerning private sewage systems. This bill provides instead that the department may order the governmental unit to remedy its failure to adopt a private sewage system ordinance or carry out its regulatory duties.

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8 means a permit issued by the department or any governmental unit responsible for
9 the regulation of private sewage systems that authorizes the installation of a private
10 sewage system.

11 (2) **VALIDITY.**

12 ^{NO}~~R~~ (a) No person may install a private sewage system unless the owner of the
13 property on which the private sewage system is to be installed holds a valid sanitary
14 permit. A sanitary permit is valid for 2 years from the date of issue, notwithstanding
15 any change in the state plumbing code or in any private sewage system ordinance

1 during that period, and is renewable for 2-year periods. A renewal of a sanitary
2 permit is governed by the rules in effect at the time the renewal is sought.

3 (b) A holder of a sanitary permit may transfer the sanitary permit to a
4 subsequent owner of the land, except that the subsequent owner shall obtain a new
5 copy of the sanitary permit from the issuing agent.

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7 and separately on the permit form to inform the permit holder that:

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9 sewage system described in the permit.

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11 of approval.

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17 prescribe the information to be included on the sanitary permit and shall furnish
18 sanitary permit forms to the governmental unit responsible for the regulation of
19 private sewage systems.

20 (b) The applicant for a sanitary permit shall submit a completed sanitary
21 permit application to the governmental unit responsible for the regulation of private
22 sewage systems or the department. The governmental unit responsible for the
23 regulation of private sewage systems or the department, whichever is appropriate,
24 shall approve or disapprove the sanitary permit application according to the rules
25 promulgated by the department under ss. 145.02 and 145.13.

1 (5) FEE. No fee for a sanitary permit may be less than \$61, or the amount
2 determined under department rule. The governing body for the governmental unit
3 responsible for the regulation of private sewage systems may establish a fee for a
4 sanitary permit which is more than \$61, or the amount determined under
5 department rule.

6 (6) COPY OF PERMIT FORWARDED TO THE DEPARTMENT. The governmental unit
7 responsible for the regulation of private sewage systems shall forward a copy of each
8 valid sanitary permit and \$20, or the amount determined under department rule, of
9 the fee to the department within 90 days after the permit is issued.

10 (7) USE OF FEE. The governmental unit responsible for the regulation of private
11 sewage systems shall use the portion of the fee it retains for the administration of
12 private sewage system programs.

13 (8) FEE ADJUSTMENT. The department may by rule adjust the minimum permit
14 fee under sub. (5) and the fee portion forwarded under sub. (6).

15 (9) GROUNDWATER FEE. In addition to the fee under sub. (5), the governmental
16 unit responsible for the regulation of private sewage systems or the department shall
17 collect a groundwater fee of \$25 for each sanitary permit. The governmental unit
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20 credited to the environmental fund for environmental management.

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24 any of the responsibilities under sub. (2) to the department. If the department

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6 regulation of private sewage systems shall:

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8 145.20 (2) (am) Retain the results of any percolation test or other test relating
9 to the disposal of liquid domestic wastes into the soil, make the test results available
10 to an applicant for a sanitary permit and accept the test results as the basis for a
11 sanitary permit application, unless the soil at the test site is altered to the extent that
12 a new soil test is necessary.

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15 ~~assist~~ Assist applicants in preparing ~~an approvable application~~ sanitary permit
16 applications.

17 **SECTION 9.** 145.20 (3) (c) of the statutes is amended to read:

18 145.20 (3) (c) If the governing body for a governmental unit responsible for the
19 regulation of private sewage systems does not adopt a private sewage system
20 ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit does
21 not appoint personnel meeting the requirements of sub. (1) or if the governmental
22 unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department
23 may conduct hearings in the county seat upon 30 days' notice to the county clerk.
24 As soon as practicable after the public hearing, the department shall issue a written
25 decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the

1 department determines that there is a violation of these provisions, the
2 ~~governmental unit may not issue a sanitary permit for the installation of a private~~
3 ~~sewage system until the violation is corrected~~ department may issue an order
4 directing the governmental unit to remedy the violation.

5

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0515/4

MJL:jlg:km

DOA:.....Justus - Allowing governmental units to delegate the administration and enforcement of the private sewage system program to the department of commerce and sanitary permits for the installation of private sewage systems

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

R-M run

SOON

D-N

do not gen

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

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

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8 means a permit issued by the department or any governmental unit responsible for
9 the regulation of private sewage systems that authorizes the installation of a private
10 sewage system.

11 **(2) VALIDITY. (a)** No person may install a private sewage system unless the
12 owner of the property on which the private sewage system is to be installed holds a
13 valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue,
14 notwithstanding any change in the state plumbing code or in any private sewage
15 system ordinance during that period, and is renewable for 2-year periods. A renewal

1 of a sanitary permit is governed by the rules in effect at the time the renewal is
2 sought.

3 (b) A holder of a sanitary permit may transfer the sanitary permit to a
4 subsequent owner of the land, except that the subsequent owner shall obtain a new
5 copy of the sanitary permit from the issuing agent.

6 (3) NOTICE. A sanitary permit shall include a notice displayed conspicuously
7 and separately on the permit form to inform the permit holder that:

8 (a) The purpose of the sanitary permit is to allow installation of the private
9 sewage system described in the permit.

10 (b) The approval of the sanitary permit is based on rules in force on the date
11 of approval.

12 (c) The sanitary permit is valid and may be renewed for a 2-year period.

13 (d) Changed rules will not impair the validity of a sanitary permit, but they may
14 impede renewal.

15 (e) The sanitary permit is transferable.

16 (4) INFORMATION ON SANITARY PERMITS; FORMS. (a) The department shall
17 prescribe the information to be included on the sanitary permit and shall furnish
18 sanitary permit forms to the governmental unit responsible for the regulation of
19 private sewage systems.

20 (b) The applicant for a sanitary permit shall submit a completed sanitary
21 permit application to the governmental unit responsible for the regulation of private
22 sewage systems or the department. The governmental unit responsible for the
23 regulation of private sewage systems or the department, whichever is appropriate,
24 shall approve or disapprove the sanitary permit application according to the rules
25 promulgated by the department under ss. 145.02 and 145.13.

1 **(5) FEE.** No fee for a sanitary permit may be less than \$61, or the amount
2 determined under department rule. The governing body for the governmental unit
3 responsible for the regulation of private sewage systems may establish a fee for a
4 sanitary permit which is more than \$61, or the amount determined under
5 department rule.

6 **(6) COPY OF PERMIT FORWARDED TO THE DEPARTMENT.** The governmental unit
7 responsible for the regulation of private sewage systems shall forward a copy of each
8 valid sanitary permit and \$20, or the amount determined under department rule, of
9 the fee to the department within 90 days after the permit is issued.

10 **(7) USE OF FEE.** The governmental unit responsible for the regulation of private
11 sewage systems shall use the portion of the fee it retains for the administration of
12 private sewage system programs.

13 **(8) FEE ADJUSTMENT.** The department may by rule adjust the minimum permit
14 fee under sub. (5) and the fee portion forwarded under sub. (6).

15 **(9) GROUNDWATER FEE.** In addition to the fee under sub. (5), the governmental
16 unit responsible for the regulation of private sewage systems or the department shall
17 collect a groundwater fee of \$25 for each sanitary permit. The governmental unit
18 shall forward this fee to the department together with the copy of the sanitary permit
19 and the fee under sub. (6). The moneys collected under this subsection shall be
20 credited to the environmental fund for environmental management.

21 **SECTION 5.** 145.20 (1) (ar) of the statutes is created to read:

22 145.20 (1) (ar) The governmental unit responsible for the regulation of private
23 sewage systems may, with the department's consent, delegate the administration of
24 any of the responsibilities under sub. (2) to the department. If the department

1 consents to the delegation, it may contract for the administration of the delegated
2 responsibilities.

3 **SECTION 6.** 145.20 (2) (intro.) of the statutes is amended to read:

4 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) The Except as
5 provided under sub. (1) (am) and (ar), the governmental unit responsible for the
6 regulation of private sewage systems shall:

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8 145.20 (2) (am) Retain the results of any percolation test or other test relating
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10 to an applicant for a sanitary permit and accept the test results as the basis for a
11 sanitary permit application, unless the soil at the test site is altered to the extent that
12 a new soil test is necessary.

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15 ~~assist~~ Assist applicants in preparing ~~an approvable application~~ sanitary permit
16 applications.

17 **SECTION 9.** 145.20 (3) (c) of the statutes is amended to read:

18 145.20 (3) (c) If the governing body for a governmental unit responsible for the
19 regulation of private sewage systems does not adopt a private sewage system
20 ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit does
21 not appoint personnel meeting the requirements of sub. (1) or if the governmental
22 unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department
23 may conduct hearings in the county seat upon 30 days' notice to the county clerk.
24 As soon as practicable after the public hearing, the department shall issue a written
25 decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the

1 department determines that there is a violation of these provisions, the
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→ 5 NOTE: This is recodified s. 145.20(3)(c). ✓ This section is
(END) affected by LRB-0935.

URB-0515/3⁴da

D-N

Sarah and Manjee -

This draft reconciles URB-0515/3 and

LRB-0935/1, LRB-0515 and LRB-0935

Should remain in the compiled bill.

MJL

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0515/4dn
MJL:jlg:ijs

February 3, 1999

Sarah and Manyee:

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Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0515/4

MJL:jlg:ijs

DOA:.....Justus - Allowing governmental units to delegate the administration and enforcement of the private sewage system program to the department of commerce and sanitary permits for the installation of private sewage systems

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

Current law charges governmental units (counties in which private sewage systems are located or, for counties with a population of at least 500,000, the cities, villages or towns in which such systems are located) with certain regulatory duties concerning private sewage systems. Governmental units may delegate these regulatory duties to town sanitary districts or certain public inland lake protection and rehabilitation districts if these districts consent. This bill permits governmental units to delegate these regulatory duties to the department of commerce (department) if the department consents.

Under current law, one statute authorizes governmental units to issue sanitary permits for the installation of private sewage systems and another statute authorizes both the department and governmental units to issue sanitary permits. The department's practice has been to issue sanitary permits for the installation of private sewage systems on state-owned property only. This bill consolidates the two authorizing statutes into one statute that permits both the department and

governmental units to issue sanitary permits for the installation of private sewage systems on either private or state-owned property.

Current law prohibits a governmental unit from issuing a sanitary permit for the installation of a private sewage system if the department finds that the governmental unit has not adopted a private sewage system ordinance (as required by law) or if the governmental unit fails to carry out its regulatory duties concerning private sewage systems. This bill provides instead that the department may order the governmental unit to remedy its failure to adopt a private sewage system ordinance or carry out its regulatory duties.

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