

**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 - Eligibility for grants to replace or rehabilitate failing 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>
/?	mlief 10/9/98	gilfokm 10/9/98		_____			State
/1			ismith 10/12/98	_____	lrb_docadmin 10/12/98		

FE Sent For:

<END>

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Extra Copies: RCT, Bob Du Pont  
(Dept of Commerce)

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1?	mlief	11-10-11 kmg	IS 10/12	IS/JF 10/12			

FE Sent For:

<END>

**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.

under sub. (4) and shall require approval of those plans by the department or the county, city, village or town.

(3) The department ~~shall~~ may require inspection of erosion control activities and structures at construction sites described in sub. (1) by the department or by a county, city, village or town to which the department has delegated authority under sub. (4).

D. Manufactured Housing Council

3  
*Intent.* The Department proposes the creation of a Manufactured Housing Council, which will consist of nine members appointed for staggered four-year terms. The representation should consider representatives from sectors associated with manufacturing, home retailers and with community owners in the manufactured home industry. It will be structured similar to the Dwelling Code Council in terms of advisory authority and responsibilities. It will advise the Department on issues related to manufactured housing. It will also have the additional authority to advise other agencies on issues related to manufactured housing similar to the responsibility of the Petroleum Storage Environmental Cleanup Council, which can advise both the Department of Commerce and the Department of Natural Resources. Finally, it should have the authority to develop a strategic plan.

E. Wisconsin Fund Eligibility

*Intent.* The Department proposes that s. 145.245 (5) (c) 2 & 3, Stats., be amended so that an applicant's federal adjusted gross income must be used instead of state adjusted gross income when determining eligibility.

Currently, the program uses Wisconsin adjusted gross income as the basis for eligibility. Applicants with more than \$42,000 Wisconsin annual adjusted gross income are not eligible. Income earned out-of-state is not taken into consideration. The change will use federally reported adjusted gross income as the basis for Wisconsin Fund eligibility. All applicants, regardless of their income source, would be treated the same. Under the present method, applicants with out-of-state income often receive preferential treatment because their out-of-state income is not included when determining eligibility.

4  
F. Frequency of Inspection or Pumping of a POWTS System.

*Intent.* The Department proposes to amend s. 145.245(3), Stats. by deleting the reference to three years and instead have the statutes state that inspection and pumping must take place in accordance with rules promulgated by the department.

Current statutes require inspection or pumping of private onsite wastewater treatment systems (POWTS) every three years. There are many instances where



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0519/1

MJL:....  
kmg

DOA:.....Justus - Eligibility for grants to replace or rehabilitate failing private sewage systems

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

D-N

5000  
To editing  
10/9

~~As a governmental unit, a local unit must be a county, municipality, or other governmental unit 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.~~  
AN ACT relating to: the budget.  
Don't Cancel

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

(with)

Under current law, ~~existing~~ cities, villages and towns governmental units administer a grant program, established by the department of commerce, for private sewage system replacement or rehabilitation. A person who owns a principal residence served by a failing private sewage system is eligible for a grant under this program if the owner's annual family income does not exceed \$45,000. A governmental unit must base its determination of annual family income upon the Wisconsin adjusted gross income of the owner and the owner's spouse, if any. This bill provides that the governmental unit must base its determination of annual family income upon the federal adjusted gross income of the owner and the owner's spouse, if any.

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. 145.245 (5) (c) 2. of the statutes is amended to read:

2 145.245 (5) (c) 2. Except as provided under subd. 4., annual family income shall  
3 be based upon the federal adjusted gross income of the owner and the owner's spouse,  
4 if any, as computed for ~~Wisconsin income tax purposes~~ for the taxable year prior to  
5 the year in which the determination of failure is made. ~~The county median income~~  
6 ~~shall be determined based upon the most recent statistics published by the federal~~  
7 ~~department of housing and urban development for the year prior to the year in which~~  
8 ~~the determination of failure is made.~~

*of federal adjusted gross income  
under subd. 2. was*

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 189 s. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw, 2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (5); 1995 a. 227, 404.

9 SECTION 2. 145.245 (5) (c) 3. of the statutes is amended to read:

10 145.245 (5) (c) 3. In order to be eligible for grant funds under this section, a  
11 person shall submit a copy of the designated <sup>federal</sup> income tax returns for the taxable year  
12 ~~prior to the year in which the determination of failure is~~ <sup>upon which the determination</sup> made together with any  
13 application required by the governmental unit. ~~For taxable year 1985 and earlier,~~  
14 ~~the person shall submit a copy of his or her individual or combined Wisconsin income~~  
15 ~~tax return. For taxable year 1986 and thereafter, the person shall submit a copy of~~  
16 ~~his or her joint Wisconsin income tax return or, if filing separately, his or her separate~~  
17 ~~Wisconsin income tax return and the separate Wisconsin income tax return of his or~~  
18 ~~her spouse, if any.~~

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 189 s. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw, 2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (5); 1995 a. 227, 404.

19 SECTION 3. 145.245 (5) (c) 4. of the statutes is amended to read:

20 145.245 (5) (c) 4. A governmental unit may disregard the <sup>federal</sup> Wisconsin income tax  
21 return ~~for the taxable year prior to the year in which the determination of failure is~~  
22 ~~made~~ <sup>that is submitted under subd 3.</sup> and may determine annual family income based upon satisfactory evidence of  
23 federal adjusted gross income or projected taxable federal adjusted gross income of

1 the owner and the owner's spouse in the current year. The department shall  
2 promulgate rules establishing criteria for determining what constitutes satisfactory  
3 evidence of federal adjusted gross income or projected federal adjusted gross income  
4 in a current year.

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 189 s. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw, 2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (3); 1995 a. 227, 404.

5 (END)

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

LRB-0519/rdn

MJL: King

Sarah:

(c)  
Note that I struck the language pertaining to county median income in s. 145.245 (5) 2. and the outdated language in s. 145.245 (5) (c) 3. I also amended s. 145.245 (5) (c) 4. to provide that governmental units may alternatively base annual family income on satisfactory evidence of "federal adjusted gross income" or "projected federal adjusted gross income" as opposed to "adjusted gross income" or "projected taxable income" (current law). Are these changes acceptable?

Madelon J. Lief  
Legislative Attorney  
267-7380



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

LRB-0519/1dn  
MJL:kmg:ijs

October 12, 1998

Sarah:

Note that I struck the language pertaining to county median income in s. 145.245 (5) (c) 2. and the outdated language in s. 145.245 (5) (c) 3. I also amended s. 145.245 (5) (c) 4. to provide that governmental units may alternatively base annual family income on satisfactory evidence of "federal adjusted gross income" or "projected federal adjusted gross income", as opposed to "adjusted gross income" or "projected taxable income" (current law). Are these changes acceptable?

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0519/1

MJL:kmg:ijs

DOA:.....Justus – Eligibility for grants to replace or rehabilitate failing private sewage systems

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

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*Analysis by the Legislative Reference Bureau*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**BUILDINGS AND SAFETY**

Under current law, 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) administer a grant program with the department of commerce for private sewage system replacement or rehabilitation. A person who owns a principal residence served by a failing private sewage system is eligible for a grant under this program if the owner's annual family income does not exceed \$45,000. A governmental unit must base its determination of annual family income upon the Wisconsin adjusted gross income of the owner and the owner's spouse, if any. This bill provides that the governmental unit must base its determination of annual family income upon the federal adjusted gross income of the owner and the owner's spouse, if any.

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6 ~~shall be determined based upon the most recent statistics published by the federal~~  
7 ~~department of housing and urban development for the year prior to the year in which~~  
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9           **SECTION 2.** 145.245 (5) (c) 3. of the statutes is amended to read:

10           145.245 (5) (c) 3. In order to be eligible for grant funds under this section, a  
11 person shall submit a copy of the ~~designated~~ federal income tax returns for the  
12 ~~taxable year prior to the year in which the determination of failure is~~ upon which the  
13 determination of federal adjusted gross income under subd. 2. was made together  
14 with any application required by the governmental unit. ~~For taxable year 1985 and~~  
15 ~~earlier, the person shall submit a copy of his or her individual or combined Wisconsin~~  
16 ~~income tax return. For taxable year 1986 and thereafter, the person shall submit a~~  
17 ~~copy of his or her joint Wisconsin income tax return or, if filing separately, his or her~~  
18 ~~separate Wisconsin income tax return and the separate Wisconsin income tax return~~  
19 ~~of his or her spouse, if any.~~

20           **SECTION 3.** 145.245 (5) (c) 4. of the statutes is amended to read:

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22 ~~income tax return for the taxable year prior to the year in which the determination~~  
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25 projected taxable federal adjusted gross income of the owner and the owner's spouse

1 in the current year. The department shall promulgate rules establishing criteria for  
2 determining what constitutes satisfactory evidence of federal adjusted gross income  
3 or projected federal adjusted gross income in a current year.

4 (END)