

**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 - Frequency of inspection or pumping of a private sewage system

**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 10/12/98	gilfokm 10/12/98	jfrantze 10/13/98	_____	lrb_docadmin 10/13/98		S&L
/2	mlief 02/2/99	gilfokm 02/2/99	lpaasch 02/3/99	_____	lrb_docadmin 02/3/99		S&L

FE Sent For:

<END>

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/1	mlief 10/12/98	gilfokm 10/12/98	jfrantze 10/13/98	_____	lrb_docadmin 10/13/98		S&L

FE Sent For:

12-2-299  
Kmg

2368

~~2368~~  
WJ  
<END>

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Received: 10/7/98

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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:**

DOA:.....Justus - Frequency of inspection or pumping of a private onsite wastewater treatment system

**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		10/13	11/13			

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).

3  
D. Manufactured Housing Council

*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

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:



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0520/1

MJL:....  
*King*

DOA:.....Justus - Frequency of inspection or pumping of a private sewage system

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

*D-N*

*SOON  
to editing  
10/12*

*WPO: add:  
- anal:line  
- anal:title:by/rb*

*1* AN ACT <sup>*Don't  
Gen. Cat.*</sup> relating to: the budget

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

Under current law, a maintenance program for private sewage systems (systems) is administered by the department of commerce (department) and governmental units (counties in which the systems are located or, for counties with a population of at least 500,000, cities, villages or towns in which the systems are located). The maintenance program, which applies to all new or replacement systems constructed in the governmental unit after the date on which the governmental unit adopts the program, requires systems to be inspected or pumped every three years. This bill requires the department to establish by rule a schedule for the inspection or pumping of systems.

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

*Analysis by the Legislative Reference Bureau*

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

2

SECTION 1. 145.245 (3) of the statutes is amended to read:





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

LRB-0520/1dn

MJL:  
*king*

Sarah:

Note that I delayed the effective date of the bill by twelve months so that the department of commerce will have time to promulgate a rule establishing the schedule for inspection and pumping. If this is not acceptable, please let me know.

Madelon J. Lief  
Legislative Attorney  
267-7380

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

LRB-0520/1dn  
MJL:kmg:jf

October 13, 1998

Sarah:

Note that I delayed the effective date of the bill by twelve months so that the department of commerce will have time to promulgate a rule establishing the schedule for inspection and pumping. If this is not acceptable, please let me know.

Madelon J. Lief  
Legislative Attorney  
267-7380



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0520/2  
MJL:kmg:jf

DOA:.....Justus - Frequency of inspection or pumping of a private sewage system ✓

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

R-M run

R-N

Soon

1 AN ACT <sup>Don't</sup> <sub>Gen. Cat.</sub> relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**COMMERCE AND ECONOMIC DEVELOPMENT**

**BUILDINGS AND SAFETY** ✓

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*Analysis by the Legislative Reference Bureau*

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

as affected by 1999 Wisconsin Act ... (this act),

repealed and recreated

Fix Comment

SECTION 1. 145.245 (3) of the statutes is amended to read:

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145.245 (3) MAINTENANCE. The department shall establish a maintenance program to be administered by governmental units. The maintenance program is

applicable to all new or replacement <sup>small</sup> private sewage systems constructed in a governmental unit after the date on which the governmental unit adopts this program.

The ~~maintenanced program that include a requirement of department~~

~~shall establish by rule a schedule for the~~ inspection or pumping of the <sup>small</sup> private sewage

system ~~at least every 30 days~~. Inspections may be conducted by a master

plumber, journeyman plumber or <sup>CE</sup> restricted plumber licensed under this chapter, a

~~person licensed under s. 281.48~~ or by an employe of the state or governmental unit

designated by the department. ~~The department of natural resources may suspend~~

or revoke a license issued under s. 281.48 or a certificate issued under s. 281.17 (3)

~~to the operator of a septage servicing vehicle if the department of natural resources~~

~~finds that the licensee or operator falsified information on inspection forms.~~ The

department of commerce may suspend or revoke the license of a plumber licensed

under this chapter if the department finds that the plumber falsified information on

inspection forms.

(1) INSPECTION AND PUMPING OF <sup>SMALL</sup> SEWAGE SYSTEMS. The ~~treatment~~ of

section 145.245 (3) of the statutes takes effect on the first day of the 13th month

beginning after publication.

(END)

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Remove Scoring

plain

by

XXXX

NOTE: This is reconciled s. 145.245 (3). This section is affected by LRB-0516/2, LRB-0516/2 and LRB-0935/1.

repealed and recreated

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0520/<sup>3</sup>rdn  
MJL:kmg:jf

October 13, 1998

*and Hooper* *Manye*  
This draft reconciles LRB-0520/1, LRB-0516/2  
and LRB-0935/<sup>1</sup>/<sub>AD</sub> LRB-0520, LRB-03516  
and LRB-0935 should remain in the compiled bill.  
Sarah  
Note that I delayed the effective date of the bill by twelve months so that the department of commerce will have time to promulgate a rule establishing the schedule for inspection and pumping. If this is not acceptable, please let me know.

Madelon J. Lief  
Legislative Attorney  
267-7380

*continued  
to appear*

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

LRB-0520/2dn  
MJL:kmg:lp

February 3, 1999

Sarah and Manyee:

This draft reconciles LRB-0520/1, LRB-0516/2 and LRB-0935/1. LRB-0570, LRB-0516 and LRB-0935 should continue to appear in the compiled bill.

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



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0520/2

MJL:kmg:lp

DOA:.....Justus - Frequency of inspection or pumping of a private sewage system

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**

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