

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 - Linking eligibility for grant funds for a failing private sewage system to the age of the 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 10/14/98	gilfokm 10/15/98	martykr 10/15/98	_____	lrb_docadmin 10/15/98		State
/2	mlief 11/3/98	gilfokm 11/4/98	hhagen 11/4/98	_____	lrb_docadmin 11/4/98		State

FE Sent For:

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*2-11-4
k mg*

11/1

##/HP 11/4

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1?	mlief	11-10-14 smg	km 10/15	km 10/15	km 10/15		State

FE Sent For:

<END>



P. O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018

Tommy G. Thompson, Governor
Philip Edw. Albert, Acting Secretary

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.

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.

What about (5)(a)2?

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:

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

LRB-0521/1dn

MJL: King

with an "old" system but a
"new" residence would not be
eligible.

Sarah:

1. Note that I also amended s. 145.245 (5) (a) 2. Is this acceptable?

2. Please review the initial applicability provision that I added. Under this provision, a person whose system has been determined to have failed under current law but who does not submit a grant application before the effective day would not be eligible for a grant. In addition, a person ~~who would have been eligible for a grant under the bill because his or her system was installed before July 1, 1978 but who never applied for a grant under current law because his or her residence was constructed after that date would be precluded from applying for a grant by s. 145.245 (5) (a) 2.~~

~~Was this your intent?~~

Madelon J. Lief
Legislative Attorney
267-7380



DOA:.....Justus – Linking eligibility for grant funds for a failing private sewage system to the age of the system

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

500W
To edit up 10/14
D-N
groundwater
Generally, a covered system is one that discharges sewage into surface water, ~~groundwater~~ or bedrock or to drain tile or the surface of the ground.

Don't Gen Cat

1 AN ACT *Don't Gen Cat*, relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
BUILDINGS AND SAFETY

Under current law, the department of commerce administers a grant program for the replacement or rehabilitation of certain types of failing private sewage systems (systems). A category 1 failing system is one that causes or results in the discharge of sewage into surface or groundwater, the introduction of sewage into zones of saturation that adversely affects the operation of the system or the discharge of sewage to a drain tile or into zones of bedrock. A category 2 failing system is one that causes or results in the discharge of sewage to the surface of the ground. A person is eligible for a grant if, among other things, he or she owns a principal residence that was constructed and inhabited before July 1, 1978 and is served by a category 1 or category 2 failing system. A business is eligible for a grant if it owns a small commercial establishment that was constructed before July 1, 1978 and is served by a category 1 or 2 failing system.

covered

This bill provides that a person or a business is eligible for a grant if the system serving the principal residence or the small commercial establishment was installed before July 1, 1978, and the person or business meets the other eligibility requirements.

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) (a) 1. of the statutes is amended to read:

2 145.245 (5) (a) 1. A person is eligible for grant funds under this section if he or
3 she owns a principal residence which is served by a category 1 or 2 failing private
4 sewage system, if the ~~residence was constructed prior to and inhabited on private~~
5 sewage system was installed before July 1, 1978, if the family income of the person
6 does not exceed the income limitations under par. (c), if the amount of the grant
7 determined under sub. (7) is at least \$100, if the residence is not located in an area
8 served by a sewer and if determination of failure is made prior to the rehabilitation
9 or replacement of the failing private sewage system.

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.

10 **SECTION 2.** 145.245 (5) (a) 2. of the statutes is amended to read:

11 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
12 owns a small commercial establishment which is served by a category 1 or 2 failing
13 private sewage system, if the ~~small commercial establishment was constructed prior~~
14 to private sewage system was installed before July 1, 1978, if the gross revenue of
15 the business does not exceed the limitation under par. (d), if the small commercial
16 establishment is not located in an area served by a sewer and if a determination of
17 failure is made prior to the rehabilitation or replacement of the private sewage
18 system.

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 9310. Initial applicability; commerce.**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0521/1dn
MJL:kmg:km

October 15, 1998

Sarah:

1. Note that I also amended s. 145.245 (5) (a) 2. Is this acceptable?
2. Please review the initial applicability provision that I added. Under this provision, a person whose system has been determined to have failed under current law but who does not submit a grant application before the effective day would not be eligible for a grant. In addition, a person with an "old" system but a "new" residence would not be eligible if a determination of failure was made more than three years before the effective date.

Madelon J. Lief
Legislative Attorney
267-7380

TC w/ Sarah Justus - 10/29/98

Re: LAB -0521 / 1dn - Redraft to / 2

~~Remove initial app.~~

1st class of people shouldn't get grant
2nd class - once doc inspects + confirms
failure, owners required to repair.

#1 DN - OK ✓



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0521/1
MJL:kmg:km

2

DOA:.....Justus - Linking eligibility for grant funds for a failing private sewage system to the age of the system

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

D-N

SOON

Redraft make use
to editing
11/3/98

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

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
BUILDINGS AND SAFETY

Under current law, the department of commerce administers a grant program for the replacement or rehabilitation of certain types of failing private sewage systems (systems). Generally, a covered system is one that discharges sewage into surface water, groundwater or bedrock or to drain tile or the surface of the ground. A person is eligible for a grant if, among other things, he or she owns a principal residence that was constructed and inhabited before July 1, 1978, and is served by a covered system. A business is eligible for a grant if it owns a small commercial establishment that was constructed before July 1, 1978, and is served by a covered system.

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15 the business does not exceed the limitation under par. (d), if the small commercial
16 establishment is not located in an area served by a sewer and if a determination of
17 failure is made prior to the rehabilitation or replacement of the private sewage
18 system.

19 ~~**SECTION 9310. Initial applicability; commerce.**~~

20 ~~(1) ELIGIBILITY FOR GRANTS FOR PRIVATE SEWAGE SYSTEMS. The treatment of~~
21 ~~section 145.245 (5) (a) 1. and 2. of the statutes first applies to applications for grants~~

1 for failing private sewage systems that are submitted on the effective date of this
2 subsection.

3

(END)

D-N

URB-0521/rdn

Sarah:

At your request, I have removed
the initial applicability; otherwise, the
draft is unchanged.

MIC

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0521/2dn
MJL:kmg:hmh

Wednesday, November 4, 1998

Sarah:

At your request, I have removed the initial applicability; otherwise, the draft is unchanged.

Madelon J. Lief
Legislative Attorney
267-7380



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0521/2
MJL:kmg:hmh

DOA:.....Justus – Linking eligibility for grant funds for a failing private sewage system to the age of the system

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

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