1999 DRAFTING REQUEST

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FE Sent For:

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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			
DOA:system Instruction See Attack	ons:	ng eligibility fo	r grant funds	s for a failing	; private sewage sy	stem to the ag	ge of the
 Drafting	History:						·
Vers.	<u>Drafted</u>	Reviewed	Typed	<u>Proofed</u>	Submitted	Jacketed	Required
/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

<END>

1999 DRAFTING REQUEST

Received By: mlief

Bill

Received: 10/7/98

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 cligibility for grant funds for a failing private sewage system to the age of the system

Instructions:

See Attached

FE Sent For:

Drafting History:

Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required
/1	mlief 10/14/98	gilfokm 10/15/98 /s-11-4 K mg	martykr 10/15/98		lrb_docadmin 10/15/98		State
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<END>

1999 DRAFTING REQUEST

Bill

Received By: mlief Received: 10/7/98

Identical to LRB: Wanted: As time permits

By/Representing: Justus For: Administration-Budget

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Extra Copies: **RCT** Subject: Buildings/Safety - priv swg sys

Topic:

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

Instructions:

See Attached

FE Sent For:

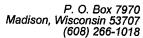
Drafting History:

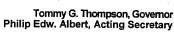
Jacketed Required Proofed **Submitted** Reviewed Vers. Drafted <u>Typed</u>

11-10-14 Km 15 4m 195 State mlicf

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<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.

the counties that administer the Wisconsin Fund Program are aware of properties that are used seasonally of 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 $-\underline{\text{not}}$ 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.

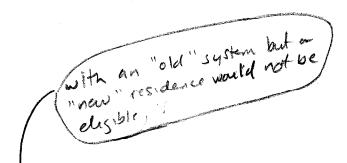
Intent. The Department proposes to place all of the provisions on sanitary permits in one statutory section by combining the current two ss. 145.135 and 145.19, into one and eliminating the redundant and outdated provisions.

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

Wheel about (5)(a) 2?

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0521/1dn MJL://:i....



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) 3 if a determination of failure was made more than three years before the effective date. Was this your intent?

Madelon J. Lief Legislative Attorney 267–7380



State of Misconsin 1999 - 2000 LEGISLATURE

LRB-0521/1
MJL:

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

Generally, a covered system is sewage into one mat discharges sewage into surface water, grando the ground.

The surface of the ground.

AN ACT ; relating to: the budget.

Analysis by the Legislative Reference Bureau COMMEREE 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 I 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 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 category 1 or category 2 failing system.

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.

(covered)

1

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:

SECTION 1. 145.245 (5) (a) 1. of the statutes is amended to read:

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

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

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3

4

1999 – 2000 Legislature	-3-	ates	LRB-0521/1 MJL::
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	NTS FOR PRIVATE SEWA	AGE SYSTEMS.	
section 145.245 (5) (a) 1. and	2. first applies to ap	plications for	grants for failing
private sewage systems that a	are submitted on the	effective date	of this subsection.
	(END)		

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

STATE OF WISCONSIN – **LEGISLATIVE REFERENCE BUREAU** – LEGAL SECTION (608–266–3561)

TC w/ Sarah Justus -10/29/98
Ne: LAB-0521/1dn- Redraft to /2
Remove initial apportunité get prant 15th dans of preple shouldont get grant 2rd clair - once ouc inspects + confirms
2rd class - once our inspects + confirms
failure, owners orlywed to repair.
#1 DN - OK



State of Misconsin

LRB-0521/1/ MJL:kmg:km

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)
Redorft make run
To editors

AN ACT ..., 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.

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:

SECTION 1. 145.245 (5) (a) 1. of the statutes is amended to read:

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

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SECTION 9310. Initial applicability; commerce.

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

for failing private sewage systems that are submitted on the effective date of this

2 subsection.

3 (END)

Swah!

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

MJL

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 Misconsin 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

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

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(END)