

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **05/4/99**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3847**

By/Representing: **Bonderud**

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

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

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

Extra Copies: **RCT**

Pre Topic:

LFB:.....Bonderud -

Topic:

Private sewage system replacement and rehabilitation grant program

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>
/?	rmarchan 05/5/99	gilfokm 05/6/99		_____			
/1			mclark 05/7/99	_____	lrb_docadmin 05/7/99		

FE Sent For:

<END>

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/?	rmarchan	1-5-6-99 KMG	5/7 MRC	MRC) JF 5/7			

FE Sent For:

<END>

COMMERCE -- BUILDING AND ENVIRONMENTAL REGULATION

Private Sewage System Replacement and Rehabilitation Grant Program
[LFB Paper #431]

Motion:

Move to provide the highest priority for private sewage system replacement or rehabilitation grants for current category one systems that fail by discharging sewage to an outstanding resource water (ORW), as designated by DNR, or to groundwater. Grants for this new category consisting of ORW and groundwater discharge systems would be paid in full before other grants are paid. If there are insufficient funds to provide payments for all priority one grants, these grants would be prorated and no funds would be available for other systems. The remaining current category one systems would become a second priority, be renamed category two, and include systems that fail by discharging sewage to surface water, drain tiles, bedrock or zones of saturated soils. Current category two and three systems would be renumbered three and four.

In addition, provide a delayed effective date for the change to apply to applications received by Commerce on or after February 1, 2000, for the 2001-02 grant cycle.

Note:

DNR designates outstanding resource waters in administrative rule NR102.10 under statutory authority in s. 281.15 to designate water quality standards for different waters of the state. The motion would provide the highest priority for private sewage system replacement or rehabilitation grants to systems that discharge sewage to waters designated as outstanding resources waters (ORW) or that discharge sewage to groundwater. These systems are currently classified as category one systems under the grant program but would be provided higher priority than other systems that are classified as category one. All other current category one systems (systems that fail by discharging sewage to surface water, drain tiles, bedrock or zones of saturated soils) would become a second priority and be renamed category two. If funds are adequate to fully fund the new category one grants (ORW and groundwater), then the remaining funds would be used for the category two systems, and prorated if necessary. All current category two systems (systems that fail by discharging sewage to the surface of the ground) would become a third priority, be renamed category three systems and would be funded from any funds remaining after funding category one (ORW and groundwater) and two grants. All current category three systems (those which fail by causing the backup of sewage into the structure served) would be renamed category four systems. Currently, these systems are not eligible for grants under the program.

The change in grant priority would go into effect for applications received by Commerce on or after February 1, 2000, which would be funded in the 2001-02 grant cycle.

Tradewell, Becky

From: Bonderud, Kendra
Sent: Thursday, April 29, 1999 8:03 PM
To: Tradewell, Becky
Cc: Hinz, Daryl
Subject: JFC 4/29/99 Action on Environmental Improvement Fund

Becky -

JFC took the following actions related to the Environmental Improvement Fund today. Please begin drafting changes as it fits into your schedule. On Friday morning, I will fax you any of the motions that I refer to in this email that need drafting. Thanks.

Paper 430, no vote passed = Governor, no LRB draft needed (fyi Alternative 1 and 2 each failed on an 8-8 vote)

Paper 431, approved Alternative A.2 (which includes the Alt. A1 technical corrections and needs an LRB draft) and approved Alternative B.1 and B.2, which needs an LRB draft for the B.2 effective date change. Motion 606 was also approved, which affects the priority classification of the grant program. I don't care whether you draft the loan and grant program changes as one or two drafts, whichever is easier for you in drafting.

Paper 432, no vote passed = Governor, no LRB draft needed (fyi Alternative 2 failed on an 8-8 vote)

Motion 633 passed to give the Village of Hatley a 0% loan from the old Wisconsin Fund like was provided for the Lake Tomahawk Sanitary District in the 1997-99 budget.

Also -

JFC talked about PECFA for 1 ½ hours and deadlocked 8-8 on a big Sen. Burke motion. The stalemate relates to groundwater law exemptions. JFC will take up PECFA again Tuesday morning at the beginning of the agenda. If you would like to hear about the JFC discussions, give me a call. Do not start any PECFA drafting yet - stay tuned for next Tuesday's discussions.

JFC finished the rest of Commerce - Building and Environmental Regulation. Two motions need drafting, one related to manufactured housing (transfer responsibilities from DOA and DOT to Commerce, hopefully simpler than last year's efforts) and one related to new home inspection in municipalities with less than 2,500 population, related to the one- and two-family dwelling code. I know Lonnie was working on manufactured housing a year ago, but I am not sure who would be drafting each of these this year. Would you ask the appropriate LRB drafter to contact me? I can then fax the motions and work directly with that person.

Thanks for your help.

Kendra Bonderud
Legislative Fiscal Bureau
(608) 266-3847
Kendra.Bonderud@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0231
RJM: King

SOON

LFB:.....Bonderud – Private sewage system replacement and rehabilitation grant program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

RMR
DNOTE

At the locations indicated, amend the bill as follows:

8-
45-19-10
745-245 (4m)

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✓ 1. Page 1026, line 11: delete the material beginning with that line and ending with page 1039, line 7 and substitute:

“SECTION 2216m. 145.245 (4) (a) of the statutes is amended to read:

145.245 (4) (a) The discharge of sewage into ^{a steel-pipe} surface water ~~water~~ determined by the department of natural resources ~~by rule~~ to be outstanding resource water ~~under s. 281.15~~ or into groundwater.

SECTION 2217m. 145.245 (4) (c) of the statutes is amended to read:

145.245 (4) (c) The discharge of sewage to a drain tile or into ~~surface water or~~ ~~of a surface water other than a surface water described in par. (a)~~ zones of bedrock.

SECTION 2218m. 145.245 (4m) (a) to (c) of the statutes are amended to read:

9

1 145.245 (4m) (a) Category 1: failing private sewage systems described in sub.

2 (4) (a) ~~to~~ (e).

3 (b) Category 2: failing private sewage systems described in sub. (4) ~~(d)~~ (b) and

4 (c).

5 (c) Category 3: failing private sewage systems described in sub. (4) ~~(e)~~ (d).

6 SECTION 2219~~a~~. ^P 145.245 (4m) (d) of the statutes is created to read:

7 145.245 (4m) (d) Category 4: failing private sewage systems described in sub.

8 (4) (e).”.

9 ✓ 2. Page 1039, line 17: delete the material beginning with that line and ending
10 with page 1040, line 2¹ and substitute:

11 “SECTION 2221m. 145.245 (5) (a) 1. of the statutes, as affected by 1999
12 Wisconsin Act (this act), is amended to read:

13 145.245 (5) (a) 1. A person is eligible for grant funds under this section if he or
14 she owns a principal residence which is served by a category 1 ~~or~~ 2 or 3 failing private
15 sewage system, if the sewage system was installed before July 1, 1978, if the family
16 income of the person does not exceed the income limitations under par. (c), if the
17 amount of the grant determined under sub. (7) is at least \$100, if the residence is not
18 located in an area served by a sewer and if determination of failure is made prior to
19 the rehabilitation or replacement of the failing private sewage system.”.

20 ✓ 3. Page 1040, line 12: delete the material beginning with that line and ending
21 with page 1041, line 2¹ and substitute:

22 “SECTION 2223m. 145.245 (5) (a) 2. of the statutes, as affected by 1999
23 Wisconsin Act (this act), is amended to read:

1 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
2 owns a small commercial establishment which is served by a category 1 ~~or~~ 2 or 3
3 failing private sewage system, if the private sewage system was installed before July
4 1, 1978, if the gross revenue of the business does not exceed the limitation under par.
5 (d), if the small commercial establishment is not located in an area served by a sewer
6 and if a determination of failure is made prior to the rehabilitation or replacement
7 of the private sewage system.

8 **SECTION 2224m.** 145.245 (5) (a) 3. of the statutes is amended to read:

9 145.245 (5) (a) 3. A person who owns a principal residence or small commercial
10 establishment which is served by a category 1 ~~or~~ 2 or 3 failing private sewage system
11 may submit an application for grant funds during the 3-year period after the
12 determination of failure is made. Grant funds may be awarded after work is
13 completed if rehabilitation or replacement of the system meets all requirements of
14 this section and rules promulgated under this section.”.

15 ✓ **4.** Page 1042, line 6: delete lines 6 to 12 and substitute:

16 **“SECTION 2228m.** 145.245 (5m) (a) of the statutes is amended to read:

17 145.245 (5m) (a) The department or a governmental unit shall deny a grant
18 application under this section if the applicant or a person who would be directly
19 benefited by the grant intentionally caused the conditions which resulted in a
20 category 1 ~~or~~ 2 or 3 failing private sewage system. The department or governmental
21 unit shall notify the applicant in writing of a denial, including the reason for the
22 denial.”.

23 ✓ **5.** Page 1043, line 3: delete the material beginning with that line and ending
24 with page 1046, line 11 ¹ and substitute:

1 “SECTION 2231m. 145.245 (7) (d) of the statutes is amended to read:

2 145.245 (7) (d) Except as provided in par. (e), if the income of a person who owns
3 a principal residence that is served by a category 1 ~~or~~ 2 or 3 failing private sewage
4 system is greater than \$32,000, the amount of the grant under this section is limited
5 to the amount determined under par. (c) less 30% of the amount by which the person’s
6 income exceeds \$32,000.

7 SECTION 2236~~f~~. 145.245 (11m) (am) of the statutes is created to read:

8 145.245 (11m) (am) Except as provided in par. (d), if funds are sufficient to fully
9 fund all category 1 and 2 failing private sewage systems but not all category 3 failing
10 private sewage systems, the department shall fully fund all category 1 and 2 systems
11 and prorate the funds for category 3 systems on a proportional basis.

12 SECTION 2237g. 145.245 (11m) (b) of the statutes is amended to read:

13 145.245 (11m) (b) Except as provided in par. (d), if funds are sufficient to fully
14 fund all category 1 but not all category 2 failing private sewage systems, the
15 department shall fully fund all category 1 systems and, prorate the funds for category
16 2 systems on a proportional basis and deny the grant applications for all category 3
17 systems.

18 SECTION 2237~~f~~. 145.245 (11m) (c) of the statutes is amended to read:

19 145.245 (11m) (c) Except as provided in par. (d), if funds are not sufficient to
20 fully fund all category 1 failing private sewage systems, the department shall fund
21 the category 1 systems on a proportional basis and deny the grant applications for
22 all category 2 and 3 systems.”.

23 **6.** Page 1448, line 19: after that line insert:

(X)

Int. app. 2 (1)

(4) PRIVATE SEWAGE SYSTEM REPLACEMENT OR REHABILITATION GRANT PROGRAM.

The treatment of sections 145.245 (4) (a) ~~145.245(4)(a)~~ and ~~145.245(4)(c)~~, ~~145.245(4m)~~ (a) to (c) and ~~145.245(4m)~~ (d), ~~145.245(5)~~ (a) 1. (by SECTION 2221m) ~~145.245(5m)~~ 2. (by SECTION 2223m) ~~145.245(5m)~~ 3., ~~145.245(5m)~~ (a), ~~145.245(7)~~ (d), ~~145.245(11m)~~ (am), ~~145.245(11m)~~ (b) and ~~145.245(11m)~~ (c) of the statutes first applies to applications under section 145.245 (8) of the statutes that are received by the department of commerce on the effective date of this subsection."

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7. Page 1469, line 8: after that line insert:

(X)

(4) PRIVATE SEWAGE SYSTEM REPLACEMENT OR REHABILITATION GRANT PROGRAM.

The treatment of sections 145.245 (4) (a) ~~145.245(4)(a)~~ and ~~145.245(4)(c)~~, ~~145.245(4m)~~ (a) to (c) and ~~145.245(4m)~~ (d), ~~145.245(5)~~ (a) 1. (by SECTION 2221m), ~~145.245(5m)~~ 2. (by SECTION 2223m) ~~145.245(5m)~~ 3., ~~145.245(5m)~~ (a), ~~145.245(7)~~ (d), ~~145.245(11m)~~ (am), ~~145.245(11m)~~ (b) and ~~145.245(11m)~~ (c) of the statutes and SECTION 9310 (4) of this act take effect on February 1, 2000."

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effec. date (9)

(X)

(END)

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

LRBb0231/1dn

RJM:u:....
img

name change provisions
remain

name change
provisions are yanked

that

Attached is the budget amendment you requested regarding the private sewage system replacement or rehabilitation grant program. Please note that the budget bill contains provisions changing the name of the sewage systems covered by this program. The attached budget amendment treats some of the same statute sections affected by these name change provisions. However, you have previously requested and received a yank removing these name change provisions from the budget (see LRBb0071/2). I have drafted the attached budget amendment assuming that the ~~yank passes~~ and the name remains the same. If the ~~yank passes~~, please let me know so that I can revise the attached budget amendment.

Please feel free to call if you have any questions.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

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

LRBb0231/1dn
RJM:kmg:mrc

May 7, 1999

Attached is the budget amendment that you requested regarding the private sewage system replacement or rehabilitation grant program. Please note that the budget bill contains provisions changing the name of the sewage systems covered by this program. The attached budget amendment treats some of the same statute sections affected by these name-change provisions. However, you have previously requested and received a yank removing these name-change provisions from the budget (see LRBb0071/2). I have drafted the attached budget amendment assuming that the name-change provisions are yanked and the name remains the same. If the name-change provisions remain, please let me know so that I can revise the attached budget amendment.

Please feel free to call if you have any questions.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0231/1
RJM:kmg:mrc

LFB:.....Bonderud – Private sewage system replacement and rehabilitation
grant program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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2 **1.** Page 1026, line 11: delete the material beginning with that line and ending
3 with page 1039, line 7, and substitute:

4 **“SECTION 2216m.** 145.245 (4) (a) of the statutes is amended to read:

5 145.245 (4) (a) The discharge of sewage into a surface water determined to be
6 outstanding resource water by the department of natural resources by rule or into
7 groundwater.

8 **SECTION 2217m.** 145.245 (4) (c) of the statutes is amended to read:

9 145.245 (4) (c) The discharge of sewage to a drain tile or into zones of bedrock
10 or a surface water other than a surface water described in par. (a).

11 **SECTION 2219m.** 145.245 (4m) (a) to (c) of the statutes are amended to read:

1 145.245 (4m) (a) Category 1: failing private sewage systems described in sub.
2 (4) (a) ~~to (e)~~.

3 (b) Category 2: failing private sewage systems described in sub. (4) ~~(d)~~ (b) and
4 (c).

5 (c) Category 3: failing private sewage systems described in sub. (4) ~~(e)~~ (d).

6 **SECTION 2219p.** 145.245 (4m) (d) of the statutes is created to read:

7 145.245 (4m) (d) Category 4: failing private sewage systems described in sub.
8 (4) (e).”.

9 **2.** Page 1039, line 17: delete the material beginning with that line and ending
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9 145.245 (5) (a) 3. A person who owns a principal residence or small commercial
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14 this section and rules promulgated under this section.”.

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16 **“SECTION 2228m.** 145.245 (5m) (a) of the statutes is amended to read:

17 145.245 (5m) (a) The department or a governmental unit shall deny a grant
18 application under this section if the applicant or a person who would be directly
19 benefited by the grant intentionally caused the conditions which resulted in a
20 category 1 ~~or~~ 2 or 3 failing private sewage system. The department or governmental
21 unit shall notify the applicant in writing of a denial, including the reason for the
22 denial.”.

23 **5.** Page 1043, line 3: delete the material beginning with that line and ending
24 with page 1046, line 11, and substitute:

1 **SECTION 2231m.** 145.245 (7) (d) of the statutes is amended to read:

2 145.245 (7) (d) Except as provided in par. (e), if the income of a person who owns
3 a principal residence that is served by a category 1 ~~or~~ 2 or 3 failing private sewage
4 system is greater than \$32,000, the amount of the grant under this section is limited
5 to the amount determined under par. (c) less 30% of the amount by which the person's
6 income exceeds \$32,000.

7 **SECTION 2236r.** 145.245 (11m) (am) of the statutes is created to read:

8 145.245 (11m) (am) Except as provided in par. (d), if funds are sufficient to fully
9 fund all category 1 and 2 failing private sewage systems but not all category 3 failing
10 private sewage systems, the department shall fully fund all category 1 and 2 systems
11 and prorate the funds for category 3 systems on a proportional basis.

12 **SECTION 2237g.** 145.245 (11m) (b) of the statutes is amended to read:

13 145.245 (11m) (b) Except as provided in par. (d), if funds are sufficient to fully
14 fund all category 1 but not all category 2 failing private sewage systems, the
15 department shall fully fund all category 1 systems ~~and~~, prorate the funds for category
16 2 systems on a proportional basis and deny the grant applications for all category 3
17 systems.

18 **SECTION 2237i.** 145.245 (11m) (c) of the statutes is amended to read:

19 145.245 (11m) (c) Except as provided in par. (d), if funds are not sufficient to
20 fully fund all category 1 failing private sewage systems, the department shall fund
21 the category 1 systems on a proportional basis and deny the grant applications for
22 all category 2 and 3 systems.”.

23 **6.** Page 1448, line 19: after that line insert:

1 “(4x) PRIVATE SEWAGE SYSTEM REPLACEMENT OR REHABILITATION GRANT PROGRAM.
2 The treatment of sections 145.245 (4) (a) and (c), (4m) (a) to (c) and (d), (5) (a) 1. (by
3 SECTION 2221m), 2. (by SECTION 2223m) and 3., (5m) (a), (7) (d) and (11m) (am), (b)
4 and (c) of the statutes first applies to applications under section 145.245 (8) of the
5 statutes that are received by the department of commerce on the effective date of this
6 subsection.”.

7 **7.** Page 1469, line 8: after that line insert:

8 “(4x) PRIVATE SEWAGE SYSTEM REPLACEMENT OR REHABILITATION GRANT PROGRAM.
9 The treatment of sections 145.245 (4) (a) and (c), (4m) (a) to (c) and (d), (5) (a) 1. (by
10 SECTION 2221m), 2. (by SECTION 2223m) and 3., (5m) (a), (7) (d) and (11m) (am), (b)
11 and (c) of the statutes and SECTION 9310 (4x) of this act take effect on February 1,
12 2000.”.

13

(END)