

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2120/P2dn
RCT:cjs:jf

April 21, 2005

John and Mark:

This is the septage proposal. I did it as a preliminary draft so that you can review it and I can make any necessary changes before it is an introducible draft. If you want to see the exact changes from the WLC draft, I can run the compare program or, of course, you can look at the marked-up copy in our drafting file.

I added "and making an appropriation" to the relating clause because the new grant programs add new purposes to s. 20.143 (3) (de).

Proposed ss. 66.0821 (5) (e) and 200.59 (5) (d) require the PSC to bill the expenses of its review under s. 196.85 (1). Would there be a problem with applying s. 196.85 (1) (b) in the case of a disposer who is being treated like a sewage system under the proposed language? See the last sentence of s. 196.85 (1m) (a).

I realize that current s. 145.245 (3) talks about the governmental unit "adopting" the Wisconsin fund grant program, but that does not seem quite right. I would suggest "begins to participate" or something like that.

Current s. 200.59 (5) is confusing in that it uses "commission" to refer to the district's governing body while also referring to the "public service commission." This problem also exists in proposed s. 20.59 (5) (b). I suggest changing "commission's" facilities to "district's facilities."

It seems difficult to apply the definition of "costs" (in proposed s. 281.49 (1) (a)) to the text of proposed s. 281.49 (10) by inserting the definition in place of the defined word (especially in the phrase "in accordance with a uniform cost accounting system"). I think it would be clearer to have a provision that states the kinds of costs that may be used in establishing the fees rather than the definition. Something like: "A municipal sewage system may include only the costs of capital, debt service, ... in calculating the costs under sub. (10) (a) to (d)." Or it might work better to incorporate "capital," etc., into sub. (10) (a) to (d) as appropriate because, for example, additional administrative and personnel costs might not ever include capital or debt service costs.

Proposed s. 281.49 (10) (c) refers to the "volume and strength" of septage. Proposed s. 281.49 (11) (b) refers to the "quantity and type" of septage. Should these phrases match?

Please look at s. 281.58 (8e) (a). This should be modified somehow given the creation of s. 281.58 (7) (b) 7., but I do not know how to modify it. I also wonder whether the zero interest rate for the septage portion of projects would ever run into a problem with s. 281.58 (8) (g). I always like to have Michael Wolff at DOA review proposals that relate to the Clean Water Fund because the program, especially its financing, is so complex.

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