

2007 DRAFTING REQUEST

Bill

Received: 11/14/2006

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Don Dyke**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Use of consistent terminology for "private sewage system"

Instructions:

8)Inconsistent Terminology in Chapter 145, Stats.

a)Requested Change

Replace various terms used in chapter 145, Stats., that are meant to refer to private sewage systems with the term "private sewage system". Terms other than "private sewage system" are contained in ss. 145.045 (1), 145.14 (2) (a), and 145.195 Stats.

b)Problem

The variety of terms used throughout chapter 145, Stats., that are meant to refer to private sewage systems result in inconsistency of the statutory language administered by the Department and potential confusion.

c)Need for Change

The change would result in consistent terminology regarding private sewage systems in the statutory language administered by the Department.

Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|------------------------|------------------------|----------------|------------------------|-----------------------|-----------------|
| /? | | | | | | | |
| /P1 | mglass 11/14/2006 | kfollett 11/15/2006 | sherritz 11/15/2006 | _____ | sbasford 11/15/2006 | | |
| /1 | mglass 10/29/2007 | kfollett 10/30/2007 | nmatzke 10/30/2007 | _____ | lparisi 10/30/2007 | cduerst 11/02/2007 | |

FE Sent For: N/A

<END>

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| /1 | mglass 10/29/2007 | kfollett 10/30/2007 | nmatzke 10/30/2007 | _____ | lparisi 10/30/2007 | | |

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FE Sent For:

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/P1

mglass
11/14/2006

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FE Sent For:

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Seen
in edit (11/14)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

- 1 AN ACT ...; relating to: use of phrases to describe a private sewage system
- 2 (suggested as remedial legislation by the Department of Commerce)

Analysis by the Legislative Reference Bureau

Under current law, various phrases are used to describe a private sewage system in the provisions administered by the Department of Commerce that deal with these systems. Current law defines a private sewage system to be a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure.

This bill makes changes in current law so that the phrase "private sewage system" is used consistently when referring to these systems.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

X
X
X

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Commerce and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. ~~This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5, stats.~~ After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 145.045 (1) of the statutes is amended to read: ✓

2 145.045 (1) POWERS AND DUTIES. The department shall by rule establish an
3 examining program for the certification of soil testers, setting such standards as the
4 department finds necessary to accomplish the purposes of this chapter. Such
5 standards shall include formal written examinations for all applicants. The
6 department shall charge applicants for the cost of examination and certification.
7 After July 1, 1974, no person may construct soil bore holes, conduct soil percolation
8 tests, or other similar tests specified by the department, ~~relating to the disposal of~~
9 ~~liquid domestic wastes into the soil to~~ private sewage systems unless the person
10 holds a valid certificate issued under this section.

History: 1973 c. 287; 1975 c. 41; 1979 c. 34, 221; 1993 a. 482. ✓

11 **SECTION 2.** 145.14 (2) (a) of the statutes is amended to read:

12 145.14 (2) (a) *Sewer services.* Persons classified under this paragraph may
13 install septic tanks for private sewage disposal systems, may install drain fields
14 designed to serve such septic tanks, and ~~the~~ may install sewer service from the septic
15 tank or sewer extensions from mains to the immediate inside or proposed inside
16 foundation wall of the building.

17 **SECTION 3.** 145.195 (1) of the statutes is amended to read: ✓

18 145.195 (1) No county, city, town or village may issue a building permit for
19 construction of any structure requiring connection to a private domestic sewage
20 ~~treatment and disposal~~ system unless a private sewage system satisfying all
21 applicable regulations already exists to serve the proposed structure or all permits
22 necessary to install such a private sewage system have been obtained.

History: 1977 c. 258; 1999 a. 150 s. 87; Stats. 1999 s. 145.195. ✓

23 **SECTION 4.** 145.195 (2) of the statutes is amended to read:

1 145.195 (2) Before issuing a building permit for construction of any structure
2 on property not served by a municipal sewage treatment plant, the county, city, town
3 or village shall determine that the proposed construction does not interfere with a
4 functioning private domestic sewage treatment and disposal system. The county,
5 city, town or village may require building permit applicants to submit a detailed plan
6 of the owner's existing private domestic sewage treatment and disposal system.

7 **History:** 1977 c. 258; 1999 a. 150 s. 87; Stats. 1999 s. 145.195.

(END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 145.045 (1), 145.14 (2) (a), 145.195 (1) and 145.195 (2) of the
2 statutes; **relating to:** use of phrases to describe a private sewage system
3 (suggested as remedial legislation by the Department of Commerce).

Analysis by the Legislative Reference Bureau

Under current law, various phrases are used to describe a private sewage system in the provisions administered by the Department of Commerce that deal with these systems. Current law defines a private sewage system to be a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure.

This bill makes changes in current law so that the phrase "private sewage system" is used consistently when referring to these systems.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Commerce and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 145.045 (1) of the statutes is amended to read:

2 145.045 (1) **POWERS AND DUTIES.** The department shall by rule establish an
3 examining program for the certification of soil testers, setting such standards as the
4 department finds necessary to accomplish the purposes of this chapter. Such
5 standards shall include formal written examinations for all applicants. The
6 department shall charge applicants for the cost of examination and certification.
7 After July 1, 1974, no person may construct soil bore holes ^{or} conduct soil percolation
8 tests, ~~or other similar tests specified by the department, relating to the disposal of~~
9 ~~liquid domestic wastes into the soil~~ ^{relating} to private sewage systems unless the person
10 holds a valid certificate issued under this section.

11 **SECTION 2.** 145.14 (2) (a) of the statutes is amended to read:

12 145.14 (2) (a) *Sewer services.* Persons classified under this paragraph may
13 install septic tanks for private sewage disposal systems, may install drain fields
14 designed to serve such septic tanks, and ~~the~~ may install sewer service from the septic
15 tank or sewer extensions from mains to the immediate inside or proposed inside
16 foundation wall of the building.

17 **SECTION 3.** 145.195 (1) of the statutes is amended to read:

18 145.195 (1) No county, city, town or village may issue a building permit for
19 construction of any structure requiring connection to a private ~~domestic~~ sewage
20 ~~treatment and disposal~~ system unless a private sewage system satisfying all
21 applicable regulations already exists to serve the proposed structure or all permits
22 necessary to install such a private sewage system have been obtained.

23 **SECTION 4.** 145.195 (2) of the statutes is amended to read:

24 145.195 (2) Before issuing a building permit for construction of any structure
25 on property not served by a municipal sewage treatment plant, the county, city, town

1 or village shall determine that the proposed construction does not interfere with a
2 functioning private domestic sewage treatment and disposal system. The county,
3 city, town or village may require building permit applicants to submit a detailed plan
4 of the owner's existing private domestic sewage treatment and disposal system.

5

(END)

Gibson-Glass, Mary

From: DuPont, Robert - COMMERCE [Robert.DuPont@Wisconsin.gov]
Sent: Monday, October 29, 2007 9:15 AM
To: Gibson-Glass, Mary
Cc: Dyke, Don
Subject: RE: LRB 0748/P1

The text you provided looks good to me (with the removal of the typographical error "con" that appears before the word "conduct").

My thanks to both of you for your help with this!

From: Gibson-Glass, Mary [mailto:Mary.Gibson-Glass@legis.wisconsin.gov]
Sent: Friday, October 26, 2007 4:08 PM
To: DuPont, Robert - COMMERCE
Cc: Dyke, Don - LEGIS
Subject: LRB 0748/P1

Bob,

Don Dyke who staffs the Law Revision Committee gave me the following language that the committee came up with and wanted me to run it by you. The last sentence in s. 145.045 (1) would read:

After July 1, 1974, no person may construct soil bore holes or con conduct soil percolation tests or other similar tests specified by the department that relate to private sewage systems unless the person holds a valid certificate issued under this section.

Does this work? If not, why don't you give me a call.

Thanks,

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
608 267 3215

*chose "that relate to"
over "relating to"
for readability
MB*

10/29
in soon

RMR
1

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

Reegen

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(S)

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2 functioning private domestic sewage treatment and disposal system. The county,
3 city, town or village may require building permit applicants to submit a detailed plan
4 of the owner's existing private domestic sewage treatment and disposal system.

5 (END)

Duerst, Christina

From: Dyke, Don
Sent: Friday, November 02, 2007 10:30 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-0748/1 Topic: Use of consistent terminology for

Please jacket for Senate. Thanks.
Don Dyke