

CR 91-159

# RULES CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPT. OF INDUSTRY, )  
LABOR & HUMAN RELATIONS )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry,  
Labor and Human Relation, and custodian of the official records of said department, do hereby certify the  
the annexed rule(s) relating to private sewage system grant program were duly  
(Subject)  
approved and adopted by this department on January 29, 1992.  
(Date)

I further certify that said copy has been compared by me with the original on file in the department  
and that the same is a true copy thereof, and of the whole of such original.

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JAN 29 1992  
9:55 AM  
Revisor of Statutes  
Bureau

IN TESTIMONY WHEREOF, I have hereunto set  
my hand and affixed the official seal of the  
department at 8:00 a.m.  
in the city of Madison, this 29th  
day of January A.D. 19 92.

Carol Skornicka  
Secretary

# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.02 and 145.02 (3)

Stats., the Department of Industry, Labor and Human Relations  creates;  amends;

repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR 87

(Number)

Private Sewage System Replacement or Rehabilitation  
Grant Program (Title)

The attached rules shall take effect on the first day of the month following publication  
in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

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Adopted at Madison, Wisconsin this

date: January 29, 1992

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN  
RELATIONS

*Carol Pomm*  
Secretary



State of Wisconsin \ Department of Industry, Labor and Human Relations

# RULES in FINAL DRAFT FORM

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**Rule No.:** Chapter ILHR 87

**Relating to:** Private Sewage System Replacement Or Rehabilitation

Grant Program

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal ILHR 87.10 (5); to renumber ch. NR 124; to amend ILHR 87.10 (2), (6) and (7); to repeal and recreate ILHR 87.03 (1), (8) and (10), and 87.07 (1) Note; and to create ILHR 87.10 (7) Note, relating to private sewage system replacement or rehabilitation grant program.

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ANALYSIS OF RULES

Statutory authority: ss. 101.02 and 145.02 (3), Stats.  
Statutes interpreted: s. 145.245, Stats.

The enactment of 1991 Wisconsin Act 39 transferred the administration and enforcement of the private sewage system replacement or rehabilitation grant program from the Department of Natural Resources to the Department of Industry, Labor and Human Relations. The proposed rule revisions are intended to reflect this procedural change by renumbering the existing rules of ch. NR 124 to ch. ILHR 87 and incorporating the renumbered chapter as part of the plumbing code. The revisions also correct several definitions and cross references to the statutes and administrative rules.

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SECTION 1. Chapter NR 124 is renumbered ch. ILHR 87.

SECTION 2. ILHR 87.03 (1), (8) and (10) as renumbered are repealed and recreated to read:

ILHR 87.03 (1) "Department" means the department of industry, labor and human relations.

(8) "Private sewage system" has the meaning as given in 145.01 (12), Stats.

(10) "State plumbing code" means chs. ILHR 81 to 87.

SECTION 3. ILHR 87.07 (1) Note as renumbered is repealed and recreated to read:

ILHR 87.07 (1) Note: Application forms may be obtained, at no charge, from the Bureau of Building Water Systems, Department of Industry, Labor and Human Relations, P.O. Box 7969, Madison, Wisconsin 53707.

SECTION 4. ILHR 87.10 (2) as renumbered is amended to read:

ILHR 87.10 (2) Under s. ~~144.98, Stats.~~ 145.02, Stats., the department may terminate or annul a grant made under this section and seek recovery of some or all grant funds previously paid to the participating governmental unit, if an order issued under s. ~~144.245(14), Stats.~~ 145.245 (14), Stats. is violated.

SECTION 5. ILHR 87.10 (5) as renumbered is repealed.

SECTION 6. ILHR 87.10 (6) and (7) as renumbered are amended to read:

ILHR 87.10 (6) The department may seek an injunction or other appropriate relief under s. ~~144.98, Stats.~~ 145.02 (3) (f), Stats.

(7) The department may seek the imposition of a forfeiture for each violation, pursuant to s. ~~144.98, Stats.~~ 145.245 (15) Stats.

SECTION 7. ILHR 87.10 (7) Note is created to read:

ILHR 87.10 (7) Note: Section 145.245 (15) reads: Any person who violates this section or a rule or order promulgated under this section shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of continued violation is a separate offense. While an order is suspended, stayed or enjoined, this penalty does not accrue.

[Note to Revisor: Change all cross references to s. 144.245, Stats. contained in the renumbered ch. ILHR 87 to s. 145.245, Stats., to reflect enactment of 1991 Wisconsin Act 39.]

(END)

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EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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Tommy G. Thompson  
Governor

Carol Skornicka  
Secretary



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State of Wisconsin  
Department of Industry, Labor and Human Relations

January 29, 1992

Gary Poulson  
Assistant Revisor of Statutes  
2nd Floor  
119 Martin Luther King Blvd.  
Madison, Wisconsin 53703

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

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TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 91-159

RULE NO. Chapter ILHR 87

RELATING TO: Private Sewage System Replacement or Rehabilitation Grant  
Program

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol Skornicka".

Carol Skornicka  
Secretary