



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa0266/1  
KRP:emw

**SENATE AMENDMENT 7,  
TO SENATE BILL 76**

April 4, 2017 - Offered by Senators VINEHOUT, JOHNSON, C. LARSON, L. TAYLOR,  
HANSEN, WIRCH, BEWLEY, SHILLING, RISSER, ERPENBACH and CARPENTER.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 1, line 4: delete "and".

3           **2.** Page 1, line 5: after "wells" insert ", transferring duties related to private  
4 on-site wastewater treatment systems from the Department of Safety and  
5 Professional Services to the Department of Natural Resources, and granting  
6 rule-making authority".

7           **3.** Page 2, line 1: before that line insert:

8           "SECTION 1b. 20.005 (3) (schedule) of the statutes: at the appropriate place,  
9 insert the following amounts for the purposes indicated:

	<b>2017-18</b>	<b>2018-19</b>
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1 **20.370 Natural resources, department of**

2 (2) AIR AND WASTE

3 (fd) Private on-site wastewater

4	treatment systems	GPR	A	-0-	-0-
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5 **SECTION 1bg.** 20.370 (2) (fd) of the statutes is created to read:

6 20.370 (2) (fd) *Private on-site wastewater treatment systems.* Annually, the  
7 amounts in the schedule for administering provisions relating to private on-site  
8 wastewater treatment systems under ss. 281.472 to 281.476 and 281.483.

9 **SECTION 1bm.** 20.370 (2) (fh) of the statutes is created to read:

10 20.370 (2) (fh) *Private on-site wastewater treatment systems - moneys received.*  
11 All monies received under ss. 281.472 to 281.476 and 281.483, except s. 281.474 (6),  
12 for administering provisions relating to private on-site wastewater treatment  
13 systems under ss. 281.472 to 281.476 and 281.483.

14 **SECTION 1br.** 20.165 (2) (j) of the statutes is amended to read:

15 20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for  
16 the purposes of chs. 101 and 145 and ss. 167.35, 236.12 (2) (ap), 236.13 (1) (d) and  
17 (2m), and 236.335 and for the purpose of transferring the amounts in the schedule  
18 ~~under par. (ke) to the appropriation account under par. (ke).~~ All moneys received  
19 under ch. 145, ss. 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4),  
20 101.955 (2), 101.973 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred  
21 under 2005 Wisconsin Act 45, section 76 (6), shall be credited to this appropriation  
22 account.

1           **SECTION 1c.** 20.165 (2) (ke) of the statutes is renumbered 20.370 (6) (gd) and  
2 amended to read:

3           20.370 **(6)** (gd) *Private on-site wastewater treatment system replacement and*  
4 *rehabilitation.* As a continuing appropriation, the amounts in the schedule for  
5 financial assistance under the private on-site wastewater treatment system  
6 replacement and rehabilitation program under s. ~~145.245~~ 281.485. All moneys  
7 transferred from ~~par. s. 20.165 (2)~~ (j) shall be credited to this appropriation account.

8           **SECTION 1d.** 20.320 (3) (q) of the statutes is amended to read:

9           20.320 **(3)** (q) *Private on-site wastewater treatment system loans.* From the  
10 environmental improvement fund, as a continuing appropriation, the amounts in the  
11 schedule for private on-site wastewater treatment system replacement or  
12 rehabilitation loans under s. ~~145.245~~ 281.485 (12m).

13           **SECTION 1e.** 25.46 (5c) of the statutes is amended to read:

14           25.46 **(5c)** The moneys collected under s. ~~145.19~~ 281.474 (6) for environmental  
15 management.

16           **SECTION 1f.** 59.70 (5) (a) of the statutes is amended to read:

17           59.70 **(5)** (a) Every governmental unit responsible for the regulation of private  
18 on-site wastewater treatment systems, as defined under s. ~~145.01 (5)~~ 281.01 (4m),  
19 shall enact an ordinance governing private on-site wastewater treatment systems,  
20 as defined in s. ~~145.01 (12)~~ 281.01 (10m), which conforms with the state plumbing  
21 code. The ordinance shall apply to the entire area of the governmental unit  
22 responsible for the regulation of private on-site wastewater treatment systems, as  
23 defined under s. ~~145.01 (5)~~ 281.01 (4m). After July 1, 1980, no municipality may  
24 enact or enforce a private on-site wastewater treatment system ordinance unless it

1 is a governmental unit responsible for the regulation of private on-site wastewater  
2 treatment systems, as defined under s. ~~145.01 (5)~~ 281.01 (4m).

3 **SECTION 1g.** 59.70 (5) (b) of the statutes is amended to read:

4 59.70 (5) (b) The governmental unit responsible for the regulation of private  
5 on-site wastewater treatment systems, as defined under s. ~~145.01 (5)~~ 281.01 (4m),  
6 shall administer the private on-site wastewater treatment system ordinance under  
7 s. ~~145.20~~ 281.476 and the rules promulgated under s. ~~145.20~~ 281.476.

8 **SECTION 1h.** 60.70 (5) of the statutes is amended to read:

9 60.70 (5) “Private on-site wastewater treatment system” has the meaning  
10 given under s. ~~145.01 (12)~~ 281.01 (10m).

11 **SECTION 1i.** 60.77 (5) (bm) of the statutes is amended to read:

12 60.77 (5) (bm) Require the inspection of private on-site wastewater treatment  
13 systems that have been already installed to determine compliance with the state  
14 plumbing code and may report violations of the state plumbing code to the  
15 governmental unit responsible for the regulation of private on-site wastewater  
16 treatment systems for enforcement under s. ~~145.20~~ 281.476.

17 **SECTION 1j.** 60.77 (5) (j) of the statutes is amended to read:

18 60.77 (5) (j) Administer the private on-site wastewater treatment system  
19 program if authorized under s. ~~145.20~~ 281.476 (1) (am).

20 **SECTION 1k.** 67.12 (12) (a) of the statutes is amended to read:

21 67.12 (12) (a) Any municipality may issue promissory notes as evidence of  
22 indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not  
23 limited to paying any general and current municipal expense, and refunding any  
24 municipal obligations, including interest on them. Each note, plus interest if any,  
25 shall be repaid within 10 years after the original date of the note, except that notes

1 issued under this section for purposes of ss. 119.498, ~~145.245~~ 281.485 (12m), 281.58,  
2 281.59, 281.60, 281.61, and 292.72, issued to raise funds to pay a portion of the  
3 capital costs of a metropolitan sewerage district, or issued by a 1st class city or a  
4 county having a population of 500,000 or more, to pay unfunded prior service liability  
5 with respect to an employee retirement system, shall be repaid within 20 years after  
6 the original date of the note.

7 **SECTION 1L.** 101.02 (20) (a) of the statutes is amended to read:

8 101.02 (20) (a) For purposes of this subsection, “license” means a license,  
9 permit, or certificate of certification or registration issued by the department for an  
10 occupation or profession under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17,  
11 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v),  
12 and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4),  
13 145.035, ~~145.045~~, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m)  
14 or under rules promulgated under ch. 101 or 145.

15 **SECTION 1m.** 101.02 (21) (a) of the statutes is amended to read:

16 101.02 (21) (a) In this subsection, “license” means a license, permit, or  
17 certificate of certification or registration issued by the department for an occupation  
18 or profession under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2)  
19 or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2),  
20 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035,  
21 ~~145.045~~, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under  
22 rules promulgated under ch. 101 or 145.

23 **SECTION 1n.** 101.02 (24) (a) 2. of the statutes is amended to read:

24 101.02 (24) (a) 2. “License” means a license, permit, or certificate of  
25 certification or registration issued by the department for an occupation or profession

1 under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63  
2 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935,  
3 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, ~~145.045~~, 145.15,  
4 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated  
5 under ch. 101 or 145.

6 **SECTION 1o.** 101.19 (1r) of the statutes is amended to read:

7 101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive  
8 any fee imposed on an individual who is eligible for the veterans fee waiver program  
9 under s. 45.44 for a license, permit, or certificate of certification or registration issued  
10 by the department under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178  
11 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2),  
12 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, ~~145.045~~,  
13 145.07 (12), 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

14 **SECTION 1p.** 101.862 (4) (p) of the statutes is amended to read:

15 101.862 (4) (p) A person engaged in installing, repairing, or maintaining a  
16 private on-site wastewater treatment system, as defined in s. ~~145.01 (12)~~ 281.01  
17 (10m), if the activity only involves installing or modifying a conductor going from the  
18 system's junction, pull, or device box to the nearest disconnecting point and the  
19 conductor is buried with the system.

20 **SECTION 1q.** 145.01 (4m) of the statutes is renumbered 281.01 (3m) and  
21 amended to read:

22 281.01 (3m) ~~FAILING PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM.~~ "Failing  
23 private on-site wastewater treatment system" has the meaning specified under s.  
24 ~~145.245~~ 281.485 (4).

1           **SECTION 1r.** 145.01 (5) of the statutes is renumbered 281.01 (4m) and amended  
2 to read:

3           **281.01 (4m)** ~~GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE~~  
4 ~~ON-SITE WASTEWATER TREATMENT SYSTEMS.~~ “Governmental unit responsible for the  
5 regulation of private on-site wastewater treatment systems” or “governmental  
6 unit”, unless otherwise qualified, means the county, except that in a county with a  
7 population of 750,000 or more ~~these terms mean~~ the term means the city, village, or  
8 town, where the private on-site wastewater treatment system is located.

9           **SECTION 1s.** 145.01 (10) (a) 2. of the statutes is amended to read:

10           **145.01 (10)** (a) 2. The construction, connection, installation, service, or repair  
11 of any drain or wastewater piping system that connects to the mains or other  
12 terminal within the bounds of, or beneath an area subject to, easement for highway  
13 purposes, including private on-site wastewater treatment systems, as defined in s.  
14 281.01 (10m), and stormwater treatment and dispersal systems, and the alteration  
15 of any such systems, drains, or wastewater piping.

16           **SECTION 1t.** 145.01 (12) of the statutes is renumbered 281.01 (10m) and  
17 amended to read:

18           **281.01 (10m)** ~~PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM.~~ “Private on-site  
19 wastewater treatment system” means a sewage treatment and disposal system  
20 serving a single structure with a septic tank and soil absorption field located on the  
21 same parcel as the structure. This term also means an alternative sewage system  
22 approved by the department including a substitute for the septic tank or soil  
23 absorption field, a holding tank, a system serving more than one structure, or a  
24 system located on a different parcel than the structure. A private on-site wastewater

1 treatment system may be owned by the property owner or by a special purpose  
2 district.

3 **SECTION 1u.** 145.02 (2) (b) of the statutes is amended to read:

4 145.02 (2) (b) The department shall promulgate rules that establish separate  
5 plumbing standards applicable only to camping units that are set in a fixed location  
6 in a campground for which a permit is issued under s. ~~254.47~~ 97.67, that contain a  
7 sleeping place, and that are used for seasonal overnight camping. ~~If the department~~  
8 ~~has appointed one or more committees under s. 227.13 to advise the department on~~  
9 ~~rule making with respect to private on-site wastewater treatment systems or other~~  
10 ~~plumbing systems, the department shall promulgate the rules required under this~~  
11 ~~paragraph in consultation with those committees.~~

12 **SECTION 1v.** 145.045 of the statutes is renumbered 281.472, and 281.472 (1)  
13 and (3), as renumbered, are amended to read:

14 281.472 (1) POWERS AND DUTIES. The department shall by rule establish an  
15 examining program for the certification of soil testers, setting such standards as the  
16 department finds necessary to accomplish the purposes of this ~~chapter~~ subchapter.  
17 ~~Such~~ The standards shall include formal written examinations for all applicants.  
18 The department shall charge applicants for the cost of examination and certification.  
19 After July 1, 1974, no person may construct soil bore holes or conduct soil percolation  
20 tests or other similar tests specified by the department that relate to private on-site  
21 wastewater treatment systems unless the person holds a valid certificate issued  
22 under this section.

23 (3) ~~PLUMBERS AND SEPTIC~~ SEPTIC TANK INSTALLERS. A ~~plumber or septic tank~~  
24 installer may also be a soil tester and install any system after approval of the site or



1 project by the department or the governmental unit responsible for the regulation  
2 of private on-site wastewater treatment systems.

3 **SECTION 1w.** 145.10 (1) (intro.), (a) and (am) of the statutes are amended to  
4 read:

5 145.10 (1) (intro.) The department may make investigations and conduct  
6 hearings and may, on its own or upon complaint in writing duly signed and verified  
7 by the complainant, and after providing not less than 10 days' notice to the licensee,  
8 suspend any master or journeyman plumber's license, cross-connection control  
9 tester's registration, utility contractor's license or temporary permit if it has reason  
10 to believe, and may revoke such license, registration, or permit in the manner  
11 provided under this section if it finds, that the holder of such license, registration,  
12 or permit has done any of the following:

13 (a) Made a material misstatement in the application for a license or  
14 registration or renewal thereof or for a temporary permit;

15 (am) Committed gross negligence or misconduct or is incompetent in the  
16 practice covered by the person's license, registration or permit;

17 **SECTION 1x.** 145.10 (1) (b) of the statutes is amended to read:

18 145.10 (1) (b) Failed to correct an installation for which he or she is responsible,  
19 at his or her own expense, within 30 days following notification by the department  
20 of a violation of any rule adopted under this chapter; ~~or.~~

21 **SECTION 1y.** 145.10 (1) (c) of the statutes is repealed.

22 **SECTION 1z.** 145.12 (4) of the statutes is amended to read:

23 145.12 (4) Any person who violates any order under s. 145.02 (3) (f) ~~or 145.20~~  
24 ~~(2) (f)~~ or any rule or standard adopted under s. 145.13 shall forfeit not less than \$10  
25 nor more than \$1,000 for each violation. Each violation of an order under s. 145.02

1 (3) (f) ~~or 145.20 (2) (f)~~ or a rule or standard under s. 145.13 constitutes a separate  
2 offense and each day of continued violation is a separate offense.

3 **SECTION 1za.** 145.12 (5) (a) of the statutes is amended to read:

4 145.12 (5) (a) In lieu of any other penalty under this section, the department  
5 may directly assess a forfeiture by issuing an order against any person who violates  
6 s. 145.06 ~~or 145.20 (6)~~. The department may not assess a forfeiture exceeding \$2,000  
7 for each violation.

8 **SECTION 1zb.** 145.14 (2) (a) of the statutes is amended to read:

9 145.14 (2) (a) *Systems or services.* Persons classified under this paragraph may  
10 ~~install septic tanks for private on-site wastewater treatment systems, may install~~  
11 ~~drain fields designed to serve such septic tanks, and may install sewer service from~~  
12 ~~the septic tank or sewer extensions from mains to the immediate inside or proposed~~  
13 ~~inside foundation wall of the building. Such persons may also install water services,~~  
14 stormwater use systems, and reclaimed water systems if the services or systems are  
15 to be located outside the foundation wall of the building.

16 **SECTION 1zc.** 145.19 of the statutes is renumbered 281.474, and 281.474 (1m),  
17 (1r), (2) and (3), as renumbered, are amended to read:

18 281.474 (1m) APPLICATION PROCESS. The department shall prescribe the  
19 information to be included in an application for a sanitary permit. The applicant  
20 shall submit the completed application for a sanitary permit to the governmental  
21 unit responsible for the regulation of private on-site wastewater treatment systems.  
22 The governmental unit shall approve or disapprove the sanitary permit according to  
23 the rules promulgated by the department under this ~~chapter~~ subchapter.

24 (1r) TEST RESULTS. The results of any percolation test or other test relating to  
25 the disposal of liquid domestic wastes into the soil shall be retained by the

1 governmental unit responsible for the regulation of private on-site wastewater  
2 treatment systems where the property is located. The governmental unit shall make  
3 the test results available to an applicant for a sanitary permit and shall accept the  
4 test results as the basis for a sanitary permit application unless the soil at the test  
5 site is altered to the extent that a new soil test is necessary.

6 (2) FEE. No fee for a sanitary permit may be less than the amount determined  
7 under department rule. The governing body for the governmental unit responsible  
8 for the regulation of private on-site wastewater treatment systems may establish a  
9 fee for a sanitary permit ~~which~~ that is more than the amount determined under  
10 department rule. A governmental unit responsible for the regulation of private  
11 on-site wastewater treatment systems may not charge more than one fee for a  
12 sanitary permit or the renewal of a sanitary permit in any 12-month period.

13 (3) FEES AND RECORDS OF PERMITS FORWARDED TO THE DEPARTMENT. The  
14 governmental unit responsible for the regulation of private on-site wastewater  
15 treatment systems shall forward to the department within 90 days after each valid  
16 sanitary permit is issued a portion of the fee, as determined under department rule.  
17 The governmental unit shall also compile a periodic summary of the sanitary permits  
18 that it has issued. The summary shall contain the information required by the  
19 department by rule, and shall be submitted by the governmental unit to the  
20 department at intervals to be determined by the department by rule.

21 **SECTION 1zd.** 145.195 of the statutes is renumbered 281.475.

22 **SECTION 1ze.** 145.20 of the statutes is renumbered 281.476, and 281.476 (2) (d)  
23 and (h), (3) (a) 2., (c) and (d), (4), (5) (a), (am), (b) and (c) and (6) (a) (intro.) and 1.,  
24 as renumbered, are amended to read:

1           281.476 **(2)** (d) Inspect all private on-site wastewater treatment systems after  
2 construction but before backfilling no later than the end of the next workday,  
3 excluding Saturdays, Sundays, and holidays, after receiving notice from the ~~plumber~~  
4 person licensed under s. 281.473 that is in charge of the installation.

5           (h) Inspect existing private on-site wastewater treatment systems to  
6 determine compliance with s. ~~145.195~~ 281.475 if a building or structure is being  
7 constructed ~~which~~ that requires connection to an existing private on-site  
8 wastewater treatment system. The county governmental unit responsible for the  
9 regulation of private on-site wastewater treatment systems is not required to  
10 conduct an on-site inspection if a building or structure is being constructed which  
11 does not require connection to an existing private on-site wastewater treatment  
12 system.

13           **(3)** (a) 2. The department may exempt a governmental unit responsible for the  
14 regulation of private on-site wastewater treatment systems from any category of  
15 private on-site wastewater treatment systems for which departmental approval is  
16 required prior to sanitary permit issuance under subd. 1., upon a determination, in  
17 accordance with rules promulgated by the department, that past performance of the  
18 governmental unit on reviews and audits under par. (b) has been satisfactory and  
19 that the governmental unit has the capacity to give the same level of application and  
20 plan review as that provided by the department. The department may revoke an  
21 exemption upon a finding that performance of the governmental unit on a review or  
22 audit conducted subsequent to the granting of the exemption is unsatisfactory or  
23 that the governmental unit is not giving the same level of application and plan  
24 review as that provided by the department. Findings in a revocation action may be  
25 made only after a public hearing upon 30 days' advance notice to the clerk of the

1 governmental unit. The department shall submit a report under s. 13.172 (2) to the  
2 chief clerk of each house of the legislature, at the beginning of each legislative  
3 session, describing the exemptions under this subdivision.

4 (c) If the governing body for a governmental unit responsible for the regulation  
5 of private on-site wastewater treatment systems does not adopt a private on-site  
6 wastewater treatment system ordinance meeting the requirements of s. 59.70 (5) or  
7 if the governmental unit does not appoint personnel meeting the requirements of  
8 sub. (1) or if the governmental unit does not comply with the requirements of sub.  
9 (2) or s. ~~145.19~~ 281.474 (3), the department may conduct hearings in the county seat  
10 upon 30 days' notice to the county clerk. As soon as practicable after the public  
11 hearing, the department shall issue a written decision regarding compliance with s.  
12 59.70 (5) or ~~145.19~~ 281.474 (3) or sub. (1) or (2). If the department determines that  
13 there is a violation of these provisions, the governmental unit may not issue a  
14 sanitary permit for the installation of a private on-site wastewater treatment  
15 system until the violation is corrected.

16 (d) The department shall conduct training and informational programs for  
17 officials of the governmental unit responsible for the regulation of private on-site  
18 wastewater treatment systems and employees and persons licensed under this  
19 ~~chapter and s. 281.48~~ subchapter and certified as operators of septage servicing  
20 vehicles under s. 281.17 (3) to improve the delivery of service under the private  
21 on-site wastewater treatment system program. The department shall obtain the  
22 assistance of the Wisconsin counties association in planning and conducting the  
23 training and informational programs.

24 (4) SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A governmental  
25 unit responsible for the regulation of private on-site wastewater treatment systems

1 may assess the owner of a private on-site wastewater treatment system for costs  
2 related to the pumping of a septic or holding tank. The governmental unit shall make  
3 any assessment in the same manner that a city, village, or town makes an assessment  
4 under s. 66.0703.

5 (5) (a) The department shall establish a maintenance program to be  
6 administered by governmental units responsible for the regulation of private on-site  
7 wastewater treatment systems. The department shall determine the private on-site  
8 wastewater treatment systems to which the maintenance program applies. At a  
9 minimum, the maintenance program is applicable to all new or replacement private  
10 on-site wastewater treatment systems constructed in a governmental unit after the  
11 date on which the governmental unit adopts this program. The department may  
12 apply the maintenance program by rule to private on-site wastewater treatment  
13 systems constructed in a governmental unit responsible for the regulation of private  
14 on-site wastewater treatment systems on or before the date on which the  
15 governmental unit adopts the program. The department shall determine the private  
16 on-site wastewater treatment systems to which the maintenance program applies  
17 in governmental units that do not meet the conditions for eligibility under s. ~~145.245~~  
18 281.485 (9).

19 (am) Each governmental unit responsible for the regulation of private on-site  
20 wastewater treatment systems shall adopt and begin the administration of the  
21 program established under par. (a) before October 1, 2019. As part of adopting and  
22 administering the program, the governmental unit shall conduct and maintain an  
23 inventory of all the private on-site wastewater treatment systems located in the  
24 governmental unit and shall complete the initial inventory before October 1, 2017.

1 In order to be eligible for grant funding under s. ~~145.245~~ 281.485, a governmental  
2 unit must comply with these deadlines.

3 (b) The maintenance program shall include a requirement of inspection or  
4 pumping of the private on-site wastewater treatment system at least once every 3  
5 years if the private on-site wastewater treatment system does not have a  
6 maintenance plan as prescribed by rule by the department. Inspections may be  
7 conducted by a ~~master plumber, journeyman plumber or restricted plumber~~ person  
8 ~~licensed under this chapter s. 281.473~~, a person licensed under s. 281.48, or by an  
9 employee of the state or governmental unit responsible for the regulation of private  
10 on-site wastewater treatment systems designated by the department, and the  
11 department may determine by rule other persons who are qualified to undertake  
12 required inspection, maintenance, or repairs. The department shall specify the  
13 methods to establish the required frequency of inspection, maintenance, and  
14 pumping for each type of private on-site wastewater treatment system that does not  
15 have a maintenance plan and shall periodically update the methods.

16 (c) ~~The department of natural resources may suspend or revoke a license issued~~  
17 ~~under s. 281.48 or a certificate issued under s. 281.17 (3) to the operator of a septage~~  
18 ~~servicing vehicle if the department of natural resources finds that the licensee or~~  
19 ~~operator falsified information on inspection forms. The department of safety and~~  
20 ~~professional services may suspend or revoke the license of a plumber licensed under~~  
21 ~~this chapter if the department finds that the plumber falsified information on~~  
22 ~~inspection forms.~~

23 **(6)** (a) (intro.) Except as provided in par. (b), ~~a governmental unit~~ an employee  
24 of a governmental unit responsible for the regulation of private on-site wastewater  
25 treatment systems who has responsibilities related to any of the activities under sub.

1 (2) (a) to (i) may not do any of the following in the county in which the employee is  
2 employed or in an adjacent county:

3 1. Conduct any activities for which certification is required under s. ~~145.045~~  
4 281.472 (1), except that the employee may review and verify soil tester reports as  
5 provided in sub. (2) (a).

6 **SECTION 1zf.** 145.23 (title) of the statutes is repealed.

7 **SECTION 1zg.** 145.23 of the statutes is renumbered 281.12 (4).

8 **SECTION 1zh.** 145.24 of the statutes is renumbered 281.483, and 281.483 (title)  
9 and (2), as renumbered, are amended to read:

10 **281.483** (title) **Variances for noncompliant private on-site wastewater**  
11 **treatment systems.** (2) The department shall establish procedures for the review  
12 and evaluation of existing private on-site wastewater treatment systems ~~which~~ that  
13 do not comply with siting or design standards.

14 **SECTION 1zi.** 145.245 (title) of the statutes is renumbered 281.485 (title) and  
15 amended to read:

16 **281.485** (title) **Private on-site wastewater treatment system**  
17 **replacement or rehabilitation program.**

18 **SECTION 1zj.** 145.245 (1) (intro.), (a), (ae), (am), (b) and (c) of the statutes are  
19 renumbered 281.485 (1) (intro.), (a), (ae), (am), (b) and (c), and 281.485 (1) (a) 2., as  
20 renumbered, is amended to read:

21 281.485 (1) (a) 2. A written enforcement order issued under s. ~~145.02~~ (3) (f),  
22 ~~145.20~~ (2) (f) ~~or~~ 281.19 (2) or 281.476 (2) (f).

23 **SECTION 1zk.** 145.245 (1) (dm) of the statutes is repealed.

24 **SECTION 1zL.** 145.245 (1) (e), (4), (4m), (5), (5m), (6), (7), (8), (9), (10), (11), (11m),  
25 (12), (12m), (13), (14) and (15) of the statutes are renumbered 281.485 (1) (e), (4),



1 (4m), (5), (5m), (6), (7), (8), (9), (10), (11), (11m), (12), (12m), (13), (14) and (15), and  
2 281.485 (7) (e), (9) (a) and (12m) (e), (f), (g) and (h), as renumbered, are amended to  
3 read:

4 281.485 (7) (e) Costs allowable for experimental private on-site wastewater  
5 treatment systems shall include the costs of installing and monitoring experimental  
6 private on-site wastewater treatment systems installed under ~~s. 145.02 (3) (b)~~ and  
7 this section. The department shall promulgate rules that specify how the  
8 department will select, monitor, and allocate the state share for experimental private  
9 on-site wastewater treatment systems that the department funds under this  
10 section.

11 (9) (a) Adopt and administer the maintenance program established under s.  
12 ~~145.20~~ 281.476 (5);

13 (12m) (e) The department of ~~safety and professional services~~ natural resources  
14 and the department of administration may enter into a financial assistance  
15 agreement with a governmental unit that applies for a loan under this subsection  
16 and meets the eligibility requirements for a loan, including the requirements under  
17 par. (d).

18 (f) The department of administration, in consultation with the department of  
19 ~~safety and professional services~~ natural resources, may establish those terms and  
20 conditions of a financial assistance agreement that relate to its financial  
21 management, including what type of municipal obligation is required for the  
22 repayment of the financial assistance. In setting the terms and conditions, the  
23 department of administration may consider factors that the department of  
24 administration finds are relevant, including the type of obligation evidencing the  
25 loan, the pledge of security for the obligation, and the applicant's creditworthiness.

1 (g) The department of administration shall make and disburse a loan to an  
2 applicant that has entered into a financial assistance agreement under par. (e). The  
3 department of administration, in consultation with the department of safety and  
4 professional services natural resources, shall establish procedures for disbursing  
5 loans.

6 (h) If a governmental unit fails to make a principal repayment after its due  
7 date, the department of administration shall place on file a certified statement of all  
8 amounts due under this subsection. After consulting the department of safety and  
9 professional services natural resources, the department of administration may  
10 collect all amounts due by deducting those amounts from any state payments due the  
11 governmental unit or may add a special charge to the amount of taxes apportioned  
12 to and levied upon the county under s. 70.60. If the department of administration  
13 collects amounts due, it shall remit those amounts to the fund to which they are due  
14 and notify the department of safety and professional services natural resources of  
15 that action.

16 **SECTION 1zm.** 160.255 (1) of the statutes is amended to read:

17 160.255 (1) In this section, “private on-site wastewater treatment system” has  
18 the meaning given in s. ~~145.01(12)~~ 281.01 (10m).

19 **SECTION 1zn.** 200.21 (11) of the statutes is amended to read:

20 200.21 (11) “Sewerage system” means all facilities of the district for collection,  
21 transportation, storage, pumping, treatment and final disposition of sewage.  
22 “Sewerage system” does not include any private on-site wastewater treatment  
23 system, as defined in s. ~~145.01(12)~~ 281.01 (10m), or any local sewer.

24 **SECTION 1zo.** 200.29 (1) (c) 3. a. of the statutes is amended to read:

1           200.29 (1) (c) 3. a. The weight to be given to the need for private on-site  
2           wastewater treatment systems, as defined in s. ~~145.01 (12)~~ 281.01 (10m), to maintain  
3           the public health and welfare in any area located within the district prior to a  
4           redefinition of the boundary but located outside the district after any redefinition of  
5           the boundary.

6           **SECTION 1zp.** 281.17 (3) of the statutes is amended to read:

7           281.17 (3) The department shall promulgate rules establishing an examining  
8           program for the certification of operators of water systems, wastewater treatment  
9           plants and septage servicing vehicles operated under a license issued under s. 281.48  
10          (3), setting such standards as the department finds necessary to accomplish the  
11          purposes of this chapter and chs. 285 and 289 to 299, including requirements for  
12          continuing education. The department may charge applicants a fee for certification,  
13          except that the department may not require an individual who is eligible for the  
14          veterans fee waiver program under s. 45.44 to pay a fee. All moneys collected under  
15          this subsection for the certification of operators of water systems, wastewater  
16          treatment plants and septage servicing vehicles shall be credited to the  
17          appropriation under s. 20.370 (4) (bL). No person may operate a water systems,  
18          wastewater treatment plant or septage servicing vehicle without a valid certificate  
19          issued under this subsection. The department may suspend or revoke a certificate  
20          issued under this subsection for a violation of any statute or rule relating to the  
21          operation of a water system or wastewater treatment plant or to septage servicing,  
22          for failure to fulfill the continuing education requirements or as provided under s.  
23          ~~145.20~~ 281.476 (5). The owner of any wastewater treatment plant shall be, or shall  
24          employ, an operator certified under this subsection who shall be responsible for plant  
25          operations, unless the department by rule provides otherwise. In this subsection,

1 “wastewater treatment plant” means a system or plant used to treat industrial  
2 wastewater, domestic wastewater or any combination of industrial wastewater and  
3 domestic wastewater.”.

4 **4.** Page 10, line 10: after that line insert:

5 “**SECTION 4a.** 281.473 of the statutes is created to read:

6 **281.473 Licensing of installers.** The department shall promulgate rules as  
7 to the qualifications, examination, and licensing of persons that install septic tanks  
8 for private on-site wastewater treatment systems, drain fields designed to serve  
9 those septic tanks, and sewer service from the septic tank or sewer extensions from  
10 mains to the immediate inside or proposed inside foundation wall of the building.

11 **SECTION 4b.** 281.48 (2) (bm) of the statutes is repealed.

12 **SECTION 4c.** 281.48 (5) (a) 4. of the statutes is amended to read:

13 281.48 (5) (a) 4. Violated any provisions of this section or any rule prescribed  
14 by the department or falsified information on inspection forms under s. ~~145.20~~  
15 281.476 (5).

16 **SECTION 4d.** 281.48 (5m) (c) of the statutes is amended to read:

17 281.48 (5m) (c) The site criteria and disposal procedures in a county ordinance  
18 shall be identical to the corresponding portions of rules promulgated by the  
19 department under this section. The county shall require the person engaged in  
20 septage disposal to submit the results of a soil test conducted by a soil tester certified  
21 under s. ~~145.045~~ 281.472 and to obtain a site approval for each location where the  
22 person disposes of septage on land. The county shall maintain records of soil tests,  
23 site approvals, county inspections and enforcement actions under this subsection.  
24 A county may not require licensing or registration for any person or vehicle engaged

1 in septage disposal. The county may establish a schedule of fees for site approvals  
2 under this paragraph if the department determines that the fees are no more than  
3 is necessary to fund the county program under this paragraph. The county may  
4 require a bond or other method of demonstrating the financial ability to comply with  
5 the septage disposal ordinance. The county shall provide for the enforcement of the  
6 septage disposal ordinance by penalties identical to those in s. 281.98.

7 **SECTION 4e.** 281.57 (7) (c) 1. of the statutes is amended to read:

8 281.57 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are  
9 limited in each fiscal year to receiving total grant awards not to exceed 33 percent  
10 of the sum of the amounts in the schedule for that fiscal year for the appropriation  
11 under s. ~~20.165 (2) (ke)~~ 20.370 (6) (gd) and the amount authorized under sub. (10) for  
12 that fiscal year plus the unencumbered balance at the end of the preceding fiscal year  
13 for the amount authorized under sub. (10). This subdivision is not applicable to grant  
14 awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

15 **SECTION 4f.** 281.59 (1m) (c) of the statutes is amended to read:

16 281.59 (1m) (c) There is established a private on-site wastewater treatment  
17 system replacement and rehabilitation loan program, administered under s. ~~145.245~~  
18 281.485 (12m).

19 **SECTION 4g. Nonstatutory provisions.**

20 (1) TRANSFER OF DUTIES RELATED TO PRIVATE ON-SITE WASTEWATER TREATMENT  
21 SYSTEMS.

22 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
23 liabilities of the department of safety and professional services that are primarily  
24 related to private on-site wastewater treatment systems, as determined by the

1 secretary of safety and professional services, become the assets and liabilities of the  
2 department of natural resources.

3 (b) *Positions and employees.* On the effective date of this paragraph, all  
4 positions and all incumbent employees holding those positions in the department of  
5 safety and professional services performing duties that are primarily related to  
6 private on-site wastewater treatment systems, as determined by the secretary of  
7 safety and professional services, are transferred to the department of natural  
8 resources.

9 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
10 rights and the same status under chapter 230 of the statutes in the department of  
11 natural resources that they enjoyed in the department of safety and professional  
12 services immediately before the transfer. Notwithstanding section 230.28 (4) of the  
13 statutes, no employee transferred under paragraph (b) who has attained permanent  
14 status in class is required to serve a probationary period.

15 (d) *Tangible personal property.* On the effective date of this paragraph, all  
16 tangible personal property, including records, of the department of safety and  
17 professional services that is primarily related to private on-site wastewater  
18 treatment systems, as determined by the secretary of safety and professional  
19 services, is transferred to the department of natural resources.

20 (e) *Contracts.* All contracts entered into by the department of safety and  
21 professional services in effect on the effective date of this paragraph that are  
22 primarily related to private on-site wastewater treatment systems, as determined  
23 by the secretary of safety and professional services, remain in effect and are  
24 transferred to the department of natural resources. The department of natural  
25 resources shall carry out any obligations under those contracts unless modified or

1 rescinded by the department of natural resources to the extent allowed under the  
2 contract.

3 (f) *Rules and orders.* All rules promulgated by the department of safety and  
4 professional services in effect on the effective date of this paragraph that are  
5 primarily related to private on-site wastewater treatment systems remain in effect  
6 until their specified expiration dates or until amended or repealed by the department  
7 of natural resources. All orders issued by the department of safety and professional  
8 services in effect on the effective date of this paragraph that are primarily related  
9 to private on-site wastewater treatment systems remain in effect until their  
10 specified expiration dates or until modified or rescinded by the department of natural  
11 resources.

12 (g) *Pending matters.* Any matter pending with the department of safety and  
13 professional services on the effective date of this paragraph that is primarily related  
14 to private on-site wastewater treatment systems, as determined by the secretary of  
15 safety and professional services, is transferred to the department of natural  
16 resources. All materials submitted to or actions taken by the department of safety  
17 and professional services with respect to the pending matter are considered as  
18 having been submitted to or taken by the department of natural resources.

19 **SECTION 4h. Effective date.** This act takes effect on the day after publication,  
20 or on the 2nd day after publication of the 2017 biennial budget act, whichever is  
21 later.”.

22 (END)