



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 449

**Assembly
Amendment 3 and Assembly
Amendments 1 and 2 to
Assembly Amendment 3**

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Assembly Bill 449 was prepared by the Special Committee on Septage Disposal and introduced by the Joint Legislative Council. The bill contains a variety of provisions relating to the management and disposal of septage and municipal sewage sludge. The bill contains extensive notes that describe the bill's contents.

Assembly Amendment 3 contains the following provisions:

- The bill creates local assistance programs, administered by the Department of Commerce (Commerce), to provide assistance to counties to develop inventories of existing private sewage systems, and to develop recordkeeping systems for information regarding the management and maintenance of private sewage systems. The source of funds for the grants is a set aside of up to 10% of the funds available for grants to repair and replace failing private sewage systems. Assembly Amendment 3 deletes this provision.
- The current statutes authorize counties to undertake a program to regulate the disposal of septage on land and, among other things, to establish a schedule of fees for site approvals. Assembly Amendment 3 adds a requirement that the Department of Natural Resources (DNR) must determine that any fees established by the county may not be more than is necessary to fund the county regulatory program.
- The bill provides that a city, village, town, or county may not prohibit the disposal of septage on land if the disposal complies with septage disposal statutes and rules promulgated by DNR. Assembly Amendment 3 expands this provision so that a local government may not prohibit or regulate disposal of septage on land if the disposal complies with these statutes and rules. For example, the amendment would prohibit a local government from selectively requiring that septage disposal be done by one of the alternative methods that are allowed under the rules and precluding the disposal using another less expensive method that is also allowed under the rules.

- The bill provides that a city, village, town, or county may not regulate the application of sewage sludge to land, but may enact a model ordinance to be created by DNR. Assembly Amendment 3 eliminates the requirement for adoption of a model ordinance in order to regulate and provides that a city, village, town, or county may regulate the application of sewage sludge to land if the regulation is identical to DNR regulations.
- The bill creates a 0% interest rate for the portion of a clean water fund loan for septage receiving and storing facilities and capacity for septage treatment. This interest rate applies even though the rest of the project has a different interest rate or method of financial assistance. Assembly Amendment 3 deletes this provision.

In addition, Assembly Amendment 3 contains several technical provisions that make necessary changes in cross-references, clarify language in the bill, and eliminate unintended conflicts between provisions of the bill.

Assembly Amendment 1 to Assembly Amendment 3 restores the provision in the bill (that was removed by Assembly Amendment 3) regarding the 0% interest rate under the Clean Water Fund program.

Assembly Amendment 2 to Assembly Amendment 3 deletes the provision in the bill that authorizes DNR to establish by rule new fees for septage servicing licensees, in lieu of the current statutorily specified fees.

Legislative History

The Assembly Committee on Natural Resources recommended introduction and adoption of Assembly Amendments 1 and 2 on November 16, 2005, each by a vote of Ayes, 12; Noes, 0.

The Assembly Committee on Natural Resources recommended passage of Assembly Bill 449, as amended on November 16, 2005, by a vote of Ayes, 12; Noes, 0.

The Joint Committee on Finance recommended adoption of Assembly Amendment 3 and passage of the bill, as amended, on January 26, 2006, by a vote of Ayes, 16; Noes, 0.

The Assembly adopted Assembly Amendments 1 and 2 to Assembly Amendment 3, and Assembly Amendment 3, and passed the bill on a voice vote on February 2, 2006.

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