

2001 DRAFTING REQUEST

Bill

Received: 01/11/2001

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Walker

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Buildings/Safety - bldg codes

Extra Copies: RJM

Email Kerry Holden DOA

Pre Topic:

DOA:..... Walker -

Topic:

Transfer motor home park water and sewer regulation from PSC to department of commerce

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kunkemd 01/16/2001 kunkemd 01/19/2001	wjackson 01/16/2001 wjackson 01/19/2001	kfollet 01/16/2001	_____	lrb docadmin 01/17/2001		State
/2			martykr 01/19/2001	_____	lrb docadmin 01/19/2001		State

FE Sent For:

<END>

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PA: please email a copy to Kerry Holden at DOA.

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12 WLJ 1/19
km/19
JLD
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*PA: please email to Bill Walker at DOA, as well as Terry Holden.
MOK*

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1?	kunkemd	1 WJ 1/16	<i>WJ</i> 1/16	<i>KJL</i> 1/16			

FE Sent For:

<END>

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY



Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: January 11, 2001

To: Steve Miller, LRB

From: Kerry Holden, DOA *KH*
266-8593

Subject: Mobile home park regulation

1997
I would like to request that statutory language be drafted for inclusion in the Governor's budget to move regulatory authority of motor home park water and sewer systems (~~1999~~ Wisconsin Act 229) from the Public Service Commission to the Department of Commerce. Please let me know if you have any questions. Thanks!



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2007/1

MDK:/:....

WLJ

D-NOTE

DOA:.....Holden - Transfer motor home park water and sewer regulation from PSC to department of commerce

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

DO NOT GEN

1

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT ✓

BUILDINGS AND SAFETY ✓

This bill transfers authority to regulate water and sewer service provided to occupants of manufactured home parks from the public service commission (PSC) to the department of commerce. See **STATE GOVERNMENT, PUBLIC UTILITY REGULATION.**

STATE GOVERNMENT ✓

PUBLIC UTILITY REGULATION ✓

This bill transfers authority to regulate water and sewer service provided to occupants of manufactured home parks from the public service commission (PSC) to the department of commerce. Under current law, the PSC is required to promulgate rules that establish standards for water or sewer service that is provided to occupants of a mobile home park by the park operator or a contractor. A "mobile home park" is defined as any tract of land containing ^{two} or more individual plots of land that are rented for the accommodation of a mobile home. A "mobile home" is defined as

a manufactured home. ^{depositing} ~~The~~ PSC's rules must include requirements for metering, billing, ~~deposits,~~ ^{arranging} deferred payment arrangements, installation^{ing} of service, refusing or discontinuing service, and resolving disputes about service. The rules must also ensure that charges are reasonable and not unjustly discriminatory, that service is reasonably adequate, and that any related practice is just and reasonable. ~~The~~ PSC may, on its own motion or upon a complaint by a mobile home park occupant, issue an order or commence a civil action against an operator or contractor to enforce the rules. In addition, DOJ, after consulting with ~~the~~ PSC, or any district attorney may commence an action to enforce the rules. Annually, ~~the~~ PSC bills operators of mobile home parks, in proportion to the number of parks owned or managed by an operator, for the costs incurred by the PSC in regulating water or sewer service. Current law includes requirements for ^{paying} ~~payment~~ of bills and resolving objections to the amount of a bill.

This bill requires the department of commerce, instead of ~~the~~ PSC, to promulgate the rules. In addition, the bill changes current law to refer to manufactured home parks, rather than to mobile home parks. Under current law, which the bill does not change, a "manufactured home park" is defined as any plot or plots of ground upon which are located ³ ~~2~~ or more manufactured homes that are occupied for dwelling or sleeping purposes, but does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother, or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm. The bill allows the department of commerce to take the enforcement action that ~~the~~ PSC is allowed to take under current law. Also, the bill requires the department of commerce to bill operators of manufactured home parks for its regulatory costs in the same manner that ~~the~~ PSC bills mobile home park operators under current law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 20.155 (1) (g) [↓] of the statutes is amended to read:
- 2 20.155 (1) (g) *Utility regulation.* The amounts in the schedule for the
- 3 regulation of utilities. Ninety percent of all moneys received by the commission
- 4 under s. 196.85, 196.855, or 201.10 (3), ~~except moneys received from mobile home~~
- 5 ~~park operators under s. 196.85 (2g),~~ shall be credited to this appropriation. Ninety
- 6 percent of all receipts from the sale of miscellaneous printed reports and other copied

1 material, the cost of which was originally paid under this paragraph, shall be
2 credited to this appropriation.

History: 1971 c. 125; 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1981 c. 20; 1985 a. 79, 296, 297, 332; 1987 a. 27, 399; 1991 a. 39, 269; 1993 a. 16, 123; 1995 a. 27; 1997 a. 27, 140, 229; 1999 a. 9, 32, 84, 150, 196.

3 **SECTION 2.** 20.155 (1) (i) of the statutes is renumbered 20.143 (3) (i) and
4 amended to read:

5 20.143 (3) (i) *Mobile Manufactured home park regulation water and sewer*
6 *service.* The amounts in the schedule for regulating the provision of water or sewer
7 service by mobile manufactured home park operators and mobile manufactured
8 home park contractors. All moneys received by the ~~commission~~ department from
9 mobile manufactured home park operators under s. ~~196.85 (2g)~~ 101.937 (6) (a) shall
10 be credited to this appropriation.

NOTE: bwd

History: 1971 c. 125; 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1981 c. 20; 1985 a. 79, 296, 297, 332; 1987 a. 27, 399; 1991 a. 39, 269; 1993 a. 16, 123; 1995 a. 27; 1997 a. 27, 140, 229; 1999 a. 9, 32, 84, 150, 196.

11 **SECTION 3.** 100.20 (2) (b) of the statutes is amended to read:

12 100.20 (2) (b) Notwithstanding par. (a), the department may not issue any
13 order or promulgate any rule that regulates the provision of water or sewer service
14 by a mobile manufactured home park operator, as defined in s. ~~196.01 (3t)~~ 101.91 (8),^{STEI}
15 or mobile manufactured home park contractor, as defined in s. ~~196.01 (3q)~~ 101.91
16 (6m), or enforce any rule to the extent that the rule regulates the provision of such
17 water or sewer service.

History: 1975 c. 308; 1985 a. 284; 1993 a. 158, 496; 1997 a. 279.

18 **SECTION 4.** 101.91 (2b) of the statutes is renumbered 101.91 (3).

19 **SECTION 5.** 101.91 (2d) of the statutes is renumbered 101.91 (4).

20 **SECTION 6.** 101.91 (2f) of the statutes is renumbered 101.91 (5m).

21 **SECTION 7.** 101.91 (2h) of the statutes is renumbered 101.91 (9).

22 **SECTION 8.** 101.91 (2k) of the statutes is renumbered 101.91 (10).

23 **SECTION 9.** 101.91 (5) of the statutes is renumbered 101.91 (11).

1 SECTION 10. 101.91 (6) of the statutes is renumbered 101.91 (12).

2 SECTION 11. 101.937 (title) of the statutes is created to read:

3 101.937 (title) **Water and sewer service to manufactured home parks.**

4 SECTION 12. 101.937 (6) (title) of the statutes is created to read:

5 101.937 (6) (title) PAYMENT OF DEPARTMENT'S EXPENDITURES.

6 SECTION 13. 101.937 (6) (b) to (g) of the statutes are created to read:

7 101.937 (6) (b) If any manufactured home park operator is billed under par. (a) and fails to pay the bill within 30 days or fails to file objections to the bill with the department, as provided in this paragraph, the department shall transmit to the state treasurer a certified copy of the bill, together with notice of failure to pay the bill, and on the same day the department shall mail by registered mail to the manufactured home park operator a copy of the notice that the department has transmitted to the state treasurer. Within 10 days after receipt of the notice and certified copy of the bill, the state treasurer shall levy the amount stated on the bill to be due, with interest, by distress and sale of any property, including stocks, securities, bank accounts, evidences of debt, and accounts receivable belonging to the delinquent manufactured home park operator. The levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the state treasurer and that goods and chattels anywhere within the state may be levied upon.

20 (c) 1. Within 30 days after the date of the mailing of any bill under par. (a), the manufactured home park operator that has been billed may file with the department objections setting out in detail the grounds upon which the objector regards the bill to be excessive, erroneous, unlawful, or invalid. The department, after notice to the objector, shall hold a hearing upon the objections, from 5 to 10 days after providing the notice. If after the hearing the department finds any part of the bill to be

1 excessive, erroneous, unlawful, or invalid⁵ the department shall record its findings
2 upon its minutes and transmit to the objector by registered mail an amended bill, in
3 accordance with the findings. The amended bill shall have the same force and effect
4 as an original bill rendered under par. (a).[✓]

5 2. If after a hearing under subd. 1.[✓] the department finds the entire bill unlawful
6 or invalid⁵ the department shall notify the objector by registered mail of the
7 determination, in which case the original bill shall be deemed null and void.

8 3. If after a hearing under subd. 1.[✓] the department finds that the bill as
9 rendered is ~~neither~~^{not} excessive, erroneous, unlawful, or invalid, either in whole or in
10 part, the department shall record the findings upon its minutes, and transmit to the
11 objector by registered mail notice of the finding.⁵

12 4. If any bill against which objections have been filed is not paid within 10 days
13 after notice of a finding that the objections have been overruled and disallowed by
14 the department has been mailed to the objector as provided in this paragraph, the
15 department shall give notice of the delinquency to the state treasurer and to the
16 objector, in the manner provided in par. (b).[✓] The state treasurer shall then proceed
17 to collect the amount of the delinquent bill as provided in par. (b).[✓] If an amended bill
18 is not paid within 10 days after a copy of the amended bill is mailed to the objector
19 by registered mail, the department shall notify the state treasurer and the objector
20 as in the case of delinquency in the payment of an original bill. The state treasurer
21 shall then proceed to collect the amount of the amended bill as provided in the case
22 of an original bill.

23 (d) No suit or proceeding may be maintained in any court to restrain or delay
24 the collection or payment of any bill rendered under par. (a).[✓] Every manufactured
25 home park operator that is billed shall pay the amount of the bill^g and after payment

1 may in the manner provided under this subsection, at any time within 2 years from
 2 the date the payment was made, sue the state to recover the amount paid plus
 3 interest from the date of payment, upon the ground that the assessment was
 4 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
 5 any part of the bill for which payment was made was excessive, erroneous, unlawful,
 6 or invalid, the state treasurer shall make a refund to the claimant as directed by the
 7 court. The refund shall be charged to the appropriations to the department.

8 (e) No action for recovery of any amount paid pursuant to this subsection shall
 9 be maintained in any court unless objections have been filed with the department as
 10 provided under this subsection. In any action for recovery of any payments made
 11 under this subsection the claimant shall be entitled to raise every relevant issue of
 12 law, but the department's findings of fact made pursuant to this subsection shall be
 13 prima facie evidence of the facts therein stated.

14 (f) Each of the following shall be deemed to be findings of fact of the department,
 15 within the meaning of this subsection:

16 1. Determinations of fact expressed in bills rendered pursuant to this
 17 subsection.

18 2. Determinations of fact set out in those minutes of the department that record
 19 the action of the department in passing upon the bills, and in passing upon objections
 20 thereto.

21 (g) The procedure under this subsection providing for determining the
 22 lawfulness of bills and the recovery back of payments made pursuant to the bills shall
 23 be exclusive of all other remedies and procedures.

24 SECTION 14. 196.01 (3n) and (3p) of the statutes ¹⁵ were repealed.

→ # RP; 196.01 (3p)

1 SECTION 15. 196.01 (3q) of the statutes is renumbered 101.91 (6m) and
2 amended to read:

3 101.91 (6m) "Mobile Manufactured home park contractor" means a person,
4 other than a public utility, as defined in s. 196.01 (5) (a), who, under a contract with
5 a mobile manufactured home park operator, provides water or sewer service to a
6 mobile manufactured home park occupant or performs a service related to providing
7 water or sewer service to a mobile manufactured home park occupant.

History: 1977 c. 29, 418; 1981 c. 390; 1983 a. 27, 53, 76, 192, 425, 538; 1985 a. 79, 1985 a. 297 ss. 14 to 22, 39; 1987 a. 27; 1989 a. 344; 1993 a. 121, 496; 1995 a. 46, 409; 1997 a. 184, 218, 229; 1999 a. 9, 32, 53; 1999 a. 150 s. 672.

8 SECTION 16. 196.01 (3s) of the statutes is renumbered 101.91 (7) and amended
9 to read:

10 101.91 (7) "Mobile Manufactured home park occupant" means a person who
11 rents or owns a mobile manufactured home in a mobile manufactured home park.

History: 1977 c. 29, 418; 1981 c. 390; 1983 a. 27, 53, 76, 192, 425, 538; 1985 a. 79, 1985 a. 297 ss. 14 to 22, 39; 1987 a. 27; 1989 a. 344; 1993 a. 121, 496; 1995 a. 46, 409; 1997 a. 184, 218, 229; 1999 a. 9, 32, 53; 1999 a. 150 s. 672.

12 SECTION 17. 196.01 (3t) of the statutes is renumbered 101.91 (8) and amended
13 to read:

14 101.91 (8) "Mobile Manufactured home park operator" means a person
15 engaged in the business of owning or managing a mobile manufactured home park.

History: 1977 c. 29, 418; 1981 c. 390; 1983 a. 27, 53, 76, 192, 425, 538; 1985 a. 79, 1985 a. 297 ss. 14 to 22, 39; 1987 a. 27; 1989 a. 344; 1993 a. 121, 496; 1995 a. 46, 409; 1997 a. 184, 218, 229; 1999 a. 9, 32, 53; 1999 a. 150 s. 672.

16 SECTION 18. 196.26 (1) (a) of the statutes is amended to read:

17 196.26 (1) (a) A complaint filed with the commission that any rate, toll, charge,
18 or schedule, joint rate, regulation, measurement, act, or practice relating to the
19 provision of heat, light, water, power, or telecommunications service, ~~or to the~~
20 ~~provision of water or sewer service by a mobile home park operator or mobile home~~
21 ~~park contractor~~, is unreasonable, inadequate, unjustly discriminatory, or cannot be
22 obtained.

History: 1981 c. 148; 1983 a. 53; 1985 a. 297; 1989 a. 344; 1993 a. 496; 1995 a. 409; 1997 a. 218, 229; 1999 a. 32, 53, 186.

23 SECTION 19. 196.26 (1m) of the statutes is amended to read:

1 196.26 (1m) INVESTIGATION OF COMPLAINT. If any mercantile, agricultural or
 2 manufacturing society, body politic, municipal organization or 25 persons file a
 3 complaint specified in sub. (1) (a) against a public utility, or if the commission
 4 terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person
 5 files a complaint specified in sub. (1) (c), the commission, with or without notice, may
 6 investigate the complaint under this section as it considers necessary. ~~If the mobile
 7 home park occupants of 25% of the total number of mobile homes in a mobile home
 8 park or the mobile home park occupants of 25 mobile homes in a mobile home park,
 9 whichever is less, files a complaint specified in sub. (1) (a) against a mobile home park
 10 contractor or mobile home park operator, the commission, with or without notice,
 11 may investigate the complaint as it considers necessary. The commission may not
 12 issue an order based on an investigation under this subsection without a public
 13 hearing.~~

14 History: 1981 c. 148; 1983 a. 53; 1985 a. 297; 1989 a. 344; 1993 a. 496; 1995 a. 409; 1997 a. 218, 229; 1999 a. 32, 53, 186.

15 SECTION 20. 196.26 (2) (a) of the statutes is amended to read:

16 196.26 (2) (a) Prior to a hearing under this section, the commission shall notify
 17 the public utility, ~~mobile home park contractor, mobile home park operator~~ or party
 18 to an interconnection agreement complained of that a complaint has been made, and
 19 10 days after the notice has been given the commission may proceed to set a time and
 20 place for a hearing and an investigation. This paragraph does not apply to a
 complaint specified in sub. (1) (b).

21 History: 1981 c. 148; 1983 a. 53; 1985 a. 297; 1989 a. 344; 1993 a. 496; 1995 a. 409; 1997 a. 218, 229; 1999 a. 32, 53, 186.

22 SECTION 21. 196.26 (2) (b) of the statutes is amended to read:

23 196.26 (2) (b) The commission shall give the complainant and either the public
 24 utility, ~~mobile home park contractor, mobile home park operator~~ or party to an
 interconnection agreement which is the subject of a complaint specified in sub. (1)

1 (a) or (c) or, for a complaint specified in sub. (1) (b), a party to an interconnection
2 agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days' notice
3 of the time and place of the hearing and the matter to be considered and determined
4 at the hearing. The complainant and either the public utility, ~~mobile home park~~
5 ~~contractor, mobile home park operator~~ or party to the interconnection agreement
6 may be heard. The commission may subpoena any witness at the request of the
7 public utility, ~~mobile home park contractor, mobile home park operator~~, party to the
8 interconnection agreement, or complainant.

9 History: 1981 c. 148; 1983 a. 53; 1985 a. 297; 1989 a. 344; 1993 a. 496; 1995 a. 409; 1997 a. 218, 229; 1999 a. 32, 53, 186.

SECTION 22. 196.28 (1) of the statutes is amended to read:

10 196.28 (1) If the commission believes that any rate or charge is unreasonable
11 or unjustly discriminatory or that any service is inadequate or cannot be obtained
12 or that an investigation of any matter relating to any public utility ~~or to any provision~~
13 ~~of water or sewer service by a mobile home park operator or mobile home park~~
14 ~~contractor~~ should for any reason be made, the commission on its own motion
15 summarily may investigate with or without notice.

16 History: 1977 c. 29 s. 1654 (10) (c); 1983 a. 53 ss. 39, 41; 1989 a. 344; 1993 a. 496; 1997 a. 218, 229; 1999 a. 32.

SECTION 23. 196.28 (3) of the statutes is amended to read:

17 196.28 (3) Notice of the time and place for a hearing under sub. (2) shall be
18 given to the public utility, ~~mobile home park contractor or mobile home park~~
19 ~~operator~~, and to such other interested persons as the commission considers
20 necessary. After the notice has been given, proceedings shall be had and conducted
21 in reference to the matter investigated as if a complaint specified in s. 196.26 (1) (a)
22 had been filed with the commission relative to the matter investigated. The same

1 order or orders may be made in reference to the matter as if the investigation had
2 been made on complaint under s. 196.26.

3 History: 1977 c. 29 s. 1654 (10) (c); 1983 a. 53 ss. 39, 41; 1989 a. 344; 1993 a. 496; 1997 a. 218, 229; 1999 a. 32.

3 SECTION 24. 196.498 (title) of the statutes is repealed.

4 SECTION 25. 196.498 (2) of the statutes is renumbered 101.937 (1) and amended
5 to read:

6 101.937 (1) RULES. The ~~commission~~ department shall promulgate rules that
7 establish standards for providing water or sewer service by a ~~mobile~~ manufactured
8 home park operator or ~~mobile~~ manufactured home park contractor to a ~~mobile~~
9 manufactured home park occupant, including requirements for metering, billing,
10 ~~deposits,~~ ^{depositing, arranging} deferred payment arrangements, ~~installation of~~ ^{installing} service, refusing or
11 discontinuing service, and resolving disputes with respect to service. Rules
12 promulgated under this subsection shall ensure that any charge for water or sewer
13 service is reasonable and not unjustly discriminatory, that the water or sewer service
14 is reasonably adequate and that any practice relating to providing the service is just
15 and reasonable.

16 History: 1997 a. 229.

16 SECTION 26. 196.498 (3) of the statutes is renumbered 101.937 (2) and amended

17 to read:

18 101.937 (2) PERMANENT IMPROVEMENTS. A ~~mobile~~ manufactured home park
19 operator may make a reasonable recovery of capital costs for permanent
20 improvements related to the provision of water or sewer service to ~~mobile~~
21 manufactured home park occupants through ongoing rates for water or sewer
22 service.

23 History: 1997 a. 229.

23 SECTION 27. 196.498 (4) of the statutes is renumbered 101.937 (3) and amended

24 to read:

plain space

1 101.937 (3) ENFORCEMENT. (a) ~~Notwithstanding s. 196.44, on~~ On its own motion
2 or upon a complaint filed by a ~~mobile~~ manufactured home park occupant, the
3 ~~commission~~ department may issue an order or commence a civil action against a
4 ~~mobile~~ manufactured home park operator or ~~mobile~~ manufactured home park
5 contractor to enforce this section, any rule promulgated under sub. (2) (1) [✓], or any
6 order issued under this paragraph.

7 (b) The department of justice, after consulting with the ~~commission~~
8 department, or any district attorney may commence an action in circuit court to
9 enforce this section.

History: 1997 a. 229.

10 **SECTION 28.** 196.498 (5) [✓] of the statutes is renumbered 101.937 (4) [✓] and amended
11 to read:

12 101.937 (4) PRIVATE CAUSE OF ACTION. Any person suffering pecuniary loss
13 because of a violation of any rule promulgated under sub. (2) (1) [✓] or order issued under
14 sub. (4) (3) (a) [✓] may sue for damages and shall recover twice the amount of any
15 pecuniary loss, together with costs, and, notwithstanding s. 814.04 (1), reasonable
16 attorney fees.

History: 1997 a. 229.

17 **SECTION 29.** 196.498 (6) [✓] of the statutes is renumbered 101.937 (5) [✓] and amended
18 to read:

19 101.937 (5) PENALTIES. (a) Any person who violates any rule promulgated
20 under sub. (2) (1) [✓] or any order issued under sub. (4) (3) (a) [✓] shall forfeit not less than
21 \$25 nor more than \$5,000. Each violation and each day of violation constitutes a
22 separate offense.

23 (b) Any person who intentionally violates any rule promulgated under sub. (2)
24 (1) [✓] or order issued under sub. (4) (3) (a) [✓] shall be fined not less than \$25 nor more than

1 \$5,000 or imprisoned not more than one year in the county jail or both. Each violation
2 and each day of violation constitutes a separate offense.

History: 1997 a. 229.

3 **SECTION 30.** 196.85 (2g)[✓] of the statutes is renumbered 101.937 (6) (a)[✓] and
4 amended to read:

5 101.937 (6) (a) The ~~commission~~ department shall annually, within 90 days
6 after the commencement of each fiscal year, assess against ~~mobile~~ manufactured
7 home park operators the total amount appropriated under s. ~~20.155 (1)~~ 20.143 (3) (i).
8 The ~~commission~~ department shall assess each ~~mobile~~ manufactured home park
9 operator an amount in proportion to the total number of ~~mobile~~ manufactured homes
10 in all ~~mobile~~ manufactured home parks owned or managed by the ~~mobile~~
11 manufactured home park operator on July 1 of the current fiscal year as a fraction
12 of the total number of ~~mobile~~ manufactured homes in all ~~mobile~~ manufactured home
13 parks in this state on July 1 of the current fiscal year. If necessary, the ~~commission~~
14 department shall adjust the amount assessed to correct any incorrect assessment
15 that was made in a prior fiscal year. A ~~mobile~~ manufactured home park operator
16 shall pay the assessment within 30 days after the ~~commission~~ department mails the
17 bill to the ~~mobile~~ manufactured home park operator. The bill constitutes notice of
18 the assessment and demand for payment. Payments shall be credited to the ~~the~~
19 appropriation account under s. ~~20.155 (1)~~ 20.143 (3) (i).[✓]

History: 1971 c. 40 s. 93; 1971 c. 125; 1973 c. 243 s. 82; 1975 c. 68; 1977 c. 29 ss. 1359, 1360, 1654 (10) (f); 1977 c. 203, 418; 1979 c. 171; 1981 c. 390; 1987 a. 378; 1991 a. 269; 1993 a. 496; 1997 a. 27, 140, 184, 229, 254; 1999 a. 32, 53; 1999 a. 150 ss. 648, 649, 672; 1999 a. 186.

20 **SECTION 31.** 196.85 (3)[✓] of the statutes is amended to read:

21 196.85 (3) If any public utility, sewerage system, joint local water authority,
22 ~~mobile home park operator~~ or power district is billed under sub. (1), (2), or (2e) or (2g)[✓]
23 and fails to pay the bill within 30 days or fails to file objections to the bill with the
24 commission, as provided in this subsection, the commission shall transmit to the

1 state treasurer a certified copy of the bill, together with notice of failure to pay the
2 bill, and on the same day the commission shall mail by registered mail to the public
3 utility, sewerage system, joint local water authority, ~~mobile home park operator~~ or
4 power district a copy of the notice ~~which~~ ^{that} it has transmitted to the state treasurer.

5 Within 10 days after receipt of the notice and certified copy of the bill, the state
6 treasurer shall levy the amount stated on the bill to be due, with interest, by distress
7 and sale of any property, including stocks, securities, bank accounts, evidences of
8 debt, and accounts receivable belonging to the delinquent public utility, sewerage
9 system, joint local water authority, ~~mobile home park operator~~ or power district. The
10 levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall
11 be made by the state treasurer and that goods and chattels anywhere within the state
12 may be levied upon.

History: 1971 c. 40 s. 93; 1971 c. 125; 1973 c. 243 s. 82; 1975 c. 68; 1977 c. 29 ss. 1359, 1360, 1654 (10) (f); 1977 c. 203, 418; 1979 c. 171; 1981 c. 390, 1987 a. 378; 1991 a. 269; 1993 a. 496; 1997 a. 27, 140, 184, 229, 254; 1999 a. 32, 53; 1999 a. 150 ss. 648, 649, 672; 1999 a. 186.

13 **SECTION 32.** 196.85 (4) (a) of the statutes is amended to read:

14 196.85 (4) (a) Within 30 days after the date of the mailing of any bill under sub.
15 (1), (2), or (2e) or (2g), the public utility, sewerage system, joint local water authority,
16 ~~mobile home park operator~~ or power district that has been billed may file with the
17 commission objections setting out in detail the grounds upon which the objector
18 regards the bill to be excessive, erroneous, unlawful, or invalid. The commission,
19 after notice to the objector, shall hold a hearing upon the objections, from 5 to 10 days
20 after providing the notice. If after the hearing the commission finds any part of the
21 bill to be excessive, erroneous, unlawful, or invalid, it shall record its findings upon
22 its minutes and transmit to the objector by registered mail an amended bill, in

1 accordance with the findings. The amended bill shall have the same force and effect
2 under this section as an original bill rendered under sub. (1), (2), or (2e) ~~or~~ (2g).

History: 1971 c. 40 s. 93; 1971 c. 125; 1973 c. 243 s. 82; 1975 c. 68; 1977 c. 29 ss. 1359, 1360, 1654 (10) (f); 1977 c. 203, 418; 1979 c. 171; 1981 c. 390; 1987 a. 378; 1991 a. 269; 1993 a. 496; 1997 a. 27, 140, 184, 229, 254; 1999 a. 32, 53; 1999 a. 150 ss. 648, 649, 672; 1999 a. 186.

3 **SECTION 33. 196.85 (5)** of the statutes is amended to read:

4 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
5 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e) ~~or~~ (2g).
6 Every public utility, sewerage system, joint local water authority, ~~mobile home park~~
7 ~~operator~~ or power district that is billed shall pay the amount of the bill, and after
8 payment may in the manner provided under this section, at any time within 2 years
9 from the date the payment was made, sue the state to recover the amount paid plus
10 interest from the date of payment, upon the ground that the assessment was
11 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
12 any part of the bill for which payment was made was excessive, erroneous, unlawful,
13 or invalid, the state treasurer shall make a refund to the claimant as directed by the
14 court. The refund shall be charged to the appropriations to the commission.

History: 1971 c. 40 s. 93; 1971 c. 125; 1973 c. 243 s. 82; 1975 c. 68; 1977 c. 29 ss. 1359, 1360, 1654 (10) (f); 1977 c. 203, 418; 1979 c. 171; 1981 c. 390; 1987 a. 378; 1991 a. 269; 1993 a. 496; 1997 a. 27, 140, 184, 229, 254; 1999 a. 32, 53; 1999 a. 150 ss. 648, 649, 672; 1999 a. 186.

15 **SECTION 9142. Nonstatutory provisions; public service commission.** ✓

16 (1) TRANSITIONAL PROVISIONS; WATER AND SEWER SERVICE TO MANUFACTURED HOME
17 PARKS. On the effective date of this subsection, each of the following applies:

18 (a) *Assets and liabilities.* The assets and liabilities of the public service
19 commission primarily related to the regulation of water and sewer service provided
20 to manufactured home parks, as determined by the secretary of administration,
21 shall become the assets and liabilities of the department of commerce.

22 (b) *Tangible personal property.* All tangible personal property, including
23 records, of the public service commission primarily related to the regulation of water

1 and sewer service provided to manufactured home parks, as determined by the
2 secretary of administration, is transferred to the department of commerce.

3 (c) *Contracts*. All contracts entered into by the public service commission in
4 effect on the effective date of this paragraph[✓] that are primarily related to the
5 regulation of water and sewer service provided to manufactured home parks, as
6 determined by the secretary of administration, remain in effect and are transferred
7 to the department of commerce. The department of commerce shall carry out any
8 obligations under such a contract until the contract is modified or rescinded by the
9 department of commerce to the extent allowed under the contract.

10 (d) *Rules and orders*. All rules promulgated by the public service commission
11 that are in effect on the effective date of this paragraph[✓] and that are primarily related
12 to the regulation of water and sewer service provided to manufactured home parks,
13 as determined by the secretary of administration, remain in effect until their
14 specified expiration date or until amended or repealed by the department of
15 commerce. All orders issued by the public service commission that are in effect on
16 the effective date of this paragraph[✓] and that are primarily related to the regulation
17 of water and sewer service provided to manufactured home parks, as determined by
18 the secretary of administration, remain in effect until their specified expiration date
19 or until modified or rescinded by the department of commerce.

20 (e) *Pending matters*. Any matter pending with the public service commission
21 on the effective date of this paragraph[✓] and that is primarily related to the regulation
22 of water and sewer service provided to manufactured home parks, as determined by
23 the secretary of administration, is transferred to the department of commerce and
24 all materials submitted to or actions taken by the public service commission with

1 respect to the pending matter are considered as having been submitted to or taken
2 by the department of commerce.

3 **SECTION 9442. Effective dates; public service commission.**

4 (1) WATER AND SEWER SERVICE TO MANUFACTURED HOME PARKS. The treatment of
5 sections 20.155 (1) (g) and (i), 100.20 (2) (b), 101.91 (2b), (2d), (2f), (2h), (2k), (5), and
6 (6), 101.937 (title), (6) (title) and (b) to (g), 196.01 (3n), (3p), (3q), (3s), and (3t), 196.26
7 (1) (a), (1m), and (2) (a) and (b), 196.28 (1) and (3), 196.498 (title), (2), (3), (4), (5), and
8 (6), 196.85 (2g), (3), (4) (a), and (5) of the statutes takes effect on the first day of the
9 7th month beginning after publication.

10

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2007/1dn

MDK./.....

Wlj

Kerry Holden and Bill Walker:

Please note the following about this draft:

1. Under current law, the PSC regulates water and sewer service provided to a mobile home park, which is defined, in part, as a tract of land with ~~2~~^{ⓑ+ⓓ} *or more* individual plots of land that accommodate manufactured homes. Under this bill, the department of commerce regulates water and sewer service provided to a manufactured home park, which is defined, in part, as a plot of ground upon which ~~3~~^{ⓑ+ⓓ} *or more* manufactured homes are located. As a practical matter, this difference probably isn't significant, but I thought I would point it out anyway.

2. I did not duplicate in subch. V[✓] of ch. 101[✓], stats., any authority comparable to that of the PSC under s. 196.26[✓] or 196.28[✓] because those provisions (which relate to complaints and investigations) seem to me to be uniquely applicable to the regulation of public utilities. Note that, under proposed s. 101.937 (3)[✓], the department does have authority to take enforcement action on its own motion or upon a complaint filed by a manufactured home park occupant.

3. I wasn't sure how you want to fund the department's activities under this draft, so I created provisions in proposed s. 101.937 (6)[✓] that use the same rather detailed process that the PSC uses under current law.

4. Because you are transferring ^{ⓓix-} regulatory authority, a delayed effective date seems advisable. The draft has a ~~6~~^h month delayed effective date. Is that okay, or do you want a different length of time?

5. I assume that you are not transferring any position^s or employees from the PSC to the department of commerce. If I'm not correct, the draft may have to be revised to resolve any issues^y such transfers may involve.

that

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2007/1dn
MDK:wlj:kjf

January 16, 2001

Kerry Holden and Bill Walker:

Please note the following about this draft:

1. Under current law, the PSC regulates water and sewer service provided to a mobile home park, which is defined, in part, as a tract of land with *two or more* individual plots of land that accommodate manufactured homes. Under this bill, the department of commerce regulates water and sewer service provided to a manufactured home park, which is defined, in part, as a plot of ground upon which *three or more* manufactured homes are located. As a practical matter, this difference probably isn't significant, but I thought I would point it out anyway.
2. I did not duplicate in subch. V of ch. 101, stats., any authority comparable to that of the PSC under s. 196.26 or 196.28 because those provisions (which relate to complaints and investigations) seem to me to be uniquely applicable to the regulation of public utilities. Note that, under proposed s. 101.937 (3), the department does have authority to take enforcement action on its own motion or upon a complaint filed by a manufactured home park occupant.
3. I wasn't sure how you want to fund the department's activities under this draft, so I created provisions in proposed s. 101.937 (6) that use the same rather detailed process that the PSC uses under current law.
4. Because you are transferring regulatory authority, a delayed effective date seems advisable. The draft has a six-month delayed effective date. Is that okay, or do you want a different length of time?
5. I assume that you are not transferring any positions or employees from the PSC to the department of commerce. If I'm not correct, the draft may have to be revised to resolve any issues that such transfers may involve.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

Kunkel, Mark

From: Marchant, Robert
Sent: Thursday, January 18, 2001 9:20 AM
To: Kunkel, Mark
Subject: manufactured homes

Mark--

This draft looks good to me. If you do redraft it, there are a few housekeeping items you might want to address:

1. AM the title of the subchapter to read "Manufactured homes and mobile homes"
2. AM s. 101.965 (2) to add actions by DOJ or DA under proposed s. 101.937 (3) (b)
3. Repeal & recreate s. 101.93 (title) to read "Plumbing in manufactured homes"

Robert J. Marchant

Legislative Attorney
State of Wisconsin Legislative Reference Bureau
robert.marchant@legis.state.wi.us

Walker

D-NOTE

RM NOT RUN

2

DOA:.....~~Holden~~ - Transfer motor home park water and sewer regulation from PSC to department of commerce

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SOON

DO NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

This bill transfers authority to regulate water and sewer service provided to occupants of manufactured home parks from PSC to the department of commerce. See **STATE GOVERNMENT, PUBLIC UTILITY REGULATION.**

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

This bill transfers authority to regulate water and sewer service provided to occupants of manufactured home parks from PSC to the department of commerce. Under current law, PSC is required to promulgate rules that establish standards for water or sewer service that is provided to occupants of a mobile home park by the park operator or a contractor. A "mobile home park" is defined as any tract of land containing two or more individual plots of land that are rented for the accommodation of a mobile home. A "mobile home" is defined as a manufactured home. PSC's rules must include requirements for metering, billing, depositing,

arranging deferred payment, installing service, refusing or discontinuing service, and resolving disputes about service. The rules must also ensure that charges are reasonable and not unjustly discriminatory, that service is reasonably adequate, and that any related practice is just and reasonable. PSC may, on its own motion or upon a complaint by a mobile home park occupant, issue an order or commence a civil action against an operator or contractor to enforce the rules. In addition, DOJ, after consulting with PSC, or any district attorney may commence an action to enforce the rules. Annually, PSC bills operators of mobile home parks, in proportion to the number of parks owned or managed by an operator, for the costs incurred by the PSC in regulating water or sewer service. Current law includes requirements for paying bills and resolving objections to the amount of a bill.

This bill requires the department of commerce, instead of PSC, to promulgate the rules. In addition, the bill changes current law to refer to manufactured home parks, rather than to mobile home parks. Under current law, which the bill does not change, a “manufactured home park” is defined as any plot or plots of ground upon which are located three or more manufactured homes that are occupied for dwelling or sleeping purposes but does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother, or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm. The bill allows the department of commerce to take the enforcement action that PSC is allowed to take under current law. Also, the bill requires the department of commerce to bill operators of manufactured home parks for its regulatory costs in the same manner that PSC bills mobile home park operators under current law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.155 (1) (g) of the statutes is amended to read:
2 20.155 (1) (g) *Utility regulation.* The amounts in the schedule for the
3 regulation of utilities. Ninety percent of all moneys received by the commission
4 under s. 196.85, 196.855, or 201.10 (3), ~~except moneys received from mobile home~~
5 ~~park operators under s. 196.85 (2g),~~ shall be credited to this appropriation. Ninety
6 percent of all receipts from the sale of miscellaneous printed reports and other copied
7 material, the cost of which was originally paid under this paragraph, shall be
8 credited to this appropriation.

INSERT 3-15 ↓

1 SECTION 2. 20.155 (1) (i) of the statutes is renumbered 20.143 (3) (i) and
2 amended to read:

3 20.143 (3) (i) *Mobile Manufactured home park ~~regulation~~ water and sewer*
4 *service*. The amounts in the schedule for regulating the provision of water or sewer
5 service by ~~mobile~~ manufactured home park operators and ~~mobile~~ manufactured
6 home park contractors. All moneys received by the ~~commission~~ department from
7 ~~mobile~~ manufactured home park operators under s. ~~196.85 (2g)~~ 101.937 (6) (a) shall
8 be credited to this appropriation.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 SECTION 3. 100.20 (2) (b) of the statutes is amended to read:

10 100.20 (2) (b) Notwithstanding par. (a), the department may not issue any
11 order or promulgate any rule that regulates the provision of water or sewer service
12 by a ~~mobile~~ manufactured home park operator, as defined in s. ~~196.01 (3t)~~ 101.91 (8),
13 or ~~mobile~~ manufactured home park contractor, as defined in s. ~~196.01 (3q)~~ 101.91
14 (6m), or enforce any rule to the extent that the rule regulates the provision of such
15 water or sewer service.

16 SECTION 4. 101.91 (2b) of the statutes is renumbered 101.91 (3).

17 SECTION 5. 101.91 (2d) of the statutes is renumbered 101.91 (4).

18 SECTION 6. 101.91 (2f) of the statutes is renumbered 101.91 (5m).

19 SECTION 7. 101.91 (2h) of the statutes is renumbered 101.91 (9).

20 SECTION 8. 101.91 (2k) of the statutes is renumbered 101.91 (10).

21 SECTION 9. 101.91 (5) of the statutes is renumbered 101.91 (11).

22 SECTION 10. 101.91 (6) of the statutes is renumbered 101.91 (12).

23 SECTION 11. 101.937 (title) of the statutes is created to read:

INSERT 3-22 ↓

1 **101.937 (title) Water and sewer service to manufactured home parks.**

2 **SECTION 12.** 101.937 (6) (title) of the statutes is created to read:

3 101.937 (6) (title) PAYMENT OF DEPARTMENT'S EXPENDITURES.

4 **SECTION 13.** 101.937 (6) (b) to (g) of the statutes are created to read:

5 101.937 (6) (b) If any manufactured home park operator is billed under par. (a)
6 and fails to pay the bill within 30 days or fails to file objections to the bill with the
7 department, as provided in this paragraph, the department shall transmit to the
8 state treasurer a certified copy of the bill, together with notice of failure to pay the
9 bill, and on the same day the department shall mail by registered mail to the
10 manufactured home park operator a copy of the notice that the department has
11 transmitted to the state treasurer. Within 10 days after receipt of the notice and
12 certified copy of the bill, the state treasurer shall levy the amount stated on the bill
13 to be due, with interest, by distress and sale of any property, including stocks,
14 securities, bank accounts, evidences of debt, and accounts receivable belonging to the
15 delinquent manufactured home park operator. The levy by distress and sale shall
16 be governed by s. 74.10, 1985 stats., except that it shall be made by the state
17 treasurer and that goods and chattels anywhere within the state may be levied upon.

18 (c) 1. Within 30 days after the date of the mailing of any bill under par. (a), the
19 manufactured home park operator that has been billed may file with the department
20 objections setting out in detail the grounds upon which the objector regards the bill
21 to be excessive, erroneous, unlawful, or invalid. The department, after notice to the
22 objector, shall hold a hearing upon the objections, from 5 to 10 days after providing
23 the notice. If after the hearing the department finds any part of the bill to be
24 excessive, erroneous, unlawful, or invalid, the department shall record its findings
25 upon its minutes and transmit to the objector by registered mail an amended bill, in

1 accordance with the findings. The amended bill shall have the same force and effect
2 as an original bill rendered under par. (a).

3 2. If after a hearing under subd. 1. the department finds the entire bill unlawful
4 or invalid, the department shall notify the objector by registered mail of the
5 determination, in which case the original bill shall be deemed null and void.

6 3. If after a hearing under subd. 1. the department finds that the bill as
7 rendered is not excessive, erroneous, unlawful, or invalid, either in whole or in part,
8 the department shall record the findings upon its minutes, and transmit to the
9 objector by registered mail notice of the findings.

10 4. If any bill against which objections have been filed is not paid within 10 days
11 after notice of a finding that the objections have been overruled and disallowed by
12 the department has been mailed to the objector as provided in this paragraph, the
13 department shall give notice of the delinquency to the state treasurer and to the
14 objector, in the manner provided in par. (b). The state treasurer shall then proceed
15 to collect the amount of the delinquent bill as provided in par. (b). If an amended bill
16 is not paid within 10 days after a copy of the amended bill is mailed to the objector
17 by registered mail, the department shall notify the state treasurer and the objector
18 as in the case of delinquency in the payment of an original bill. The state treasurer
19 shall then proceed to collect the amount of the amended bill as provided in the case
20 of an original bill.

21 (d) No suit or proceeding may be maintained in any court to restrain or delay
22 the collection or payment of any bill rendered under par. (a). Every manufactured
23 home park operator that is billed shall pay the amount of the bill and after payment
24 may in the manner provided under this subsection, at any time within 2 years from
25 the date the payment was made, sue the state to recover the amount paid plus

1 interest from the date of payment, upon the ground that the assessment was
2 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
3 any part of the bill for which payment was made was excessive, erroneous, unlawful,
4 or invalid, the state treasurer shall make a refund to the claimant as directed by the
5 court. The refund shall be charged to the appropriations to the department.

6 (e) No action for recovery of any amount paid pursuant to this subsection shall
7 be maintained in any court unless objections have been filed with the department as
8 provided under this subsection. In any action for recovery of any payments made
9 under this subsection the claimant shall be entitled to raise every relevant issue of
10 law, but the department's findings of fact made pursuant to this subsection shall be
11 prima facie evidence of the facts therein stated.

12 (f) Each of the following shall be deemed to be findings of fact of the department,
13 within the meaning of this subsection:

14 1. Determinations of fact expressed in bills rendered pursuant to this
15 subsection.

16 2. Determinations of fact set out in those minutes of the department that record
17 the action of the department in passing upon the bills and in passing upon objections
18 thereto.

19 (g) The procedure under this subsection providing for determining the
20 lawfulness of bills and the recovery back of payments made pursuant to the bills shall
21 be exclusive of all other remedies and procedures.

22 **SECTION 14.** 196.01 (3n) of the statutes is repealed.

23 **SECTION 15.** 196.01 (3p) of the statutes is repealed.

24 **SECTION 16.** 196.01 (3q) of the statutes is renumbered 101.91 (6m) and
25 amended to read:

1 101.91 (6m) “Mobile Manufactured home park contractor” means a person,
2 other than a public utility, as defined in s. 196.01 (5) (a), who, under a contract with
3 a mobile manufactured home park operator, provides water or sewer service to a
4 mobile manufactured home park occupant or performs a service related to providing
5 water or sewer service to a mobile manufactured home park occupant.

6 **SECTION 17.** 196.01 (3s) of the statutes is renumbered 101.91 (7) and amended
7 to read:

8 101.91 (7) “Mobile Manufactured home park occupant” means a person who
9 rents or owns a mobile manufactured home in a mobile manufactured home park.

10 **SECTION 18.** 196.01 (3t) of the statutes is renumbered 101.91 (8) and amended
11 to read:

12 101.91 (8) “Mobile Manufactured home park operator” means a person
13 engaged in the business of owning or managing a mobile manufactured home park.

14 **SECTION 19.** 196.26 (1) (a) of the statutes is amended to read:

15 196.26 (1) (a) A complaint filed with the commission that any rate, toll, charge,
16 or schedule, joint rate, regulation, measurement, act, or practice relating to the
17 provision of heat, light, water, power, or telecommunications service, ~~or to the~~
18 ~~provision of water or sewer service by a mobile home park operator or mobile home~~
19 ~~park contractor,~~ is unreasonable, inadequate, unjustly discriminatory, or cannot be
20 obtained.

21 **SECTION 20.** 196.26 (1m) of the statutes is amended to read:

22 196.26 (1m) INVESTIGATION OF COMPLAINT. If any mercantile, agricultural, or
23 manufacturing society, body politic, municipal organization, or 25 persons file a
24 complaint specified in sub. (1) (a) against a public utility, or if the commission
25 terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person

1 files a complaint specified in sub. (1) (c), the commission, with or without notice, may
2 investigate the complaint under this section as it considers necessary. ~~If the mobile~~
3 ~~home park occupants of 25% of the total number of mobile homes in a mobile home~~
4 ~~park or the mobile home park occupants of 25 mobile homes in a mobile home park,~~
5 ~~whichever is less, files a complaint specified in sub. (1) (a) against a mobile home park~~
6 ~~contractor or mobile home park operator, the commission, with or without notice,~~
7 ~~may investigate the complaint as it considers necessary.~~ The commission may not
8 issue an order based on an investigation under this subsection without a public
9 hearing.

10 **SECTION 21.** 196.26 (2) (a) of the statutes is amended to read:

11 196.26 (2) (a) Prior to a hearing under this section, the commission shall notify
12 the public utility, ~~mobile home park contractor, mobile home park operator~~ or party
13 to an interconnection agreement complained of that a complaint has been made, and
14 10 days after the notice has been given the commission may proceed to set a time and
15 place for a hearing and an investigation. This paragraph does not apply to a
16 complaint specified in sub. (1) (b).

17 **SECTION 22.** 196.26 (2) (b) of the statutes is amended to read:

18 196.26 (2) (b) The commission shall give the complainant and either the public
19 utility, ~~mobile home park contractor, mobile home park operator~~ or party to an
20 interconnection agreement which is the subject of a complaint specified in sub. (1)
21 (a) or (c) or, for a complaint specified in sub. (1) (b), a party to an interconnection
22 agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days' notice
23 of the time and place of the hearing and the matter to be considered and determined
24 at the hearing. The complainant and either the public utility, ~~mobile home park~~
25 ~~contractor, mobile home park operator~~ or party to the interconnection agreement

1 may be heard. The commission may subpoena any witness at the request of the
2 public utility, ~~mobile home park contractor, mobile home park operator,~~ party to the
3 interconnection agreement, or complainant.

4 **SECTION 23.** 196.28 (1) of the statutes is amended to read:

5 196.28 (1) If the commission believes that any rate or charge is unreasonable
6 or unjustly discriminatory or that any service is inadequate or cannot be obtained
7 or that an investigation of any matter relating to any public utility ~~or to any provision~~
8 ~~of water or sewer service by a mobile home park operator or mobile home park~~
9 ~~contractor~~ should for any reason be made, the commission on its own motion
10 summarily may investigate with or without notice.

11 **SECTION 24.** 196.28 (3) of the statutes is amended to read:

12 196.28 (3) Notice of the time and place for a hearing under sub. (2) shall be
13 given to the public utility, ~~mobile home park contractor or mobile home park~~
14 ~~operator,~~ and to such other interested persons as the commission considers
15 necessary. After the notice has been given, proceedings shall be had and conducted
16 in reference to the matter investigated as if a complaint specified in s. 196.26 (1) (a)
17 had been filed with the commission relative to the matter investigated. The same
18 order or orders may be made in reference to the matter as if the investigation had
19 been made on complaint under s. 196.26.

20 **SECTION 25.** 196.498 (title) of the statutes is repealed.

21 **SECTION 26.** 196.498 (2) of the statutes is renumbered 101.937 (1) and amended
22 to read:

23 101.937 (1) RULES. The ~~commission~~ department shall promulgate rules that
24 establish standards for providing water or sewer service by a ~~mobile~~ manufactured
25 home park operator or ~~mobile~~ manufactured home park contractor to a mobile

1 manufactured home park occupant, including requirements for metering, billing,
2 ~~deposits, depositing, arranging deferred payment arrangements, installation of,~~
3 installing service, refusing or discontinuing service, and resolving disputes with
4 respect to service. Rules promulgated under this subsection shall ensure that any
5 charge for water or sewer service is reasonable and not unjustly discriminatory, that
6 the water or sewer service is reasonably adequate, and that any practice relating to
7 providing the service is just and reasonable.

8 **SECTION 27.** 196.498 (3) of the statutes is renumbered 101.937 (2) and amended
9 to read:

10 101.937 (2) PERMANENT IMPROVEMENTS. A ~~mobile~~ manufactured home park
11 operator may make a reasonable recovery of capital costs for permanent
12 improvements related to the provision of water or sewer service to ~~mobile~~
13 manufactured home park occupants through ongoing rates for water or sewer
14 service.

15 **SECTION 28.** 196.498 (4) of the statutes is renumbered 101.937 (3) and amended
16 to read:

17 101.937 (3) ENFORCEMENT. (a) ~~Notwithstanding s. 196.44, on~~ On its own motion
18 or upon a complaint filed by a ~~mobile~~ manufactured home park occupant, the
19 ~~commission~~ department may issue an order or commence a civil action against a
20 ~~mobile~~ manufactured home park operator or ~~mobile~~ manufactured home park
21 contractor to enforce this section, any rule promulgated under sub. (2) (1), or any
22 order issued under this paragraph.

23 (b) The department of justice, after consulting with the ~~commission~~
24 department, or any district attorney may commence an action in circuit court to
25 enforce this section.

1 **SECTION 29.** 196.498 (5) of the statutes is renumbered 101.937 (4) and amended
2 to read:

3 101.937 (4) PRIVATE CAUSE OF ACTION. Any person suffering pecuniary loss
4 because of a violation of any rule promulgated under sub. (2) (1) or order issued under
5 sub. (4) (3) (a) may sue for damages and shall recover twice the amount of any
6 pecuniary loss, together with costs, and, notwithstanding s. 814.04 (1), reasonable
7 attorney fees.

8 **SECTION 30.** 196.498 (6) of the statutes is renumbered 101.937 (5) and amended
9 to read:

10 101.937 (5) PENALTIES. (a) Any person who violates any rule promulgated
11 under sub. (2) (1) or any order issued under sub. (4) (3) (a) shall forfeit not less than
12 \$25 nor more than \$5,000. Each violation and each day of violation constitutes a
13 separate offense.

14 (b) Any person who intentionally violates any rule promulgated under sub. (2)
15 (1) or order issued under sub. (4) (3) (a) shall be fined not less than \$25 nor more than
16 \$5,000 or imprisoned not more than one year in the county jail or both. Each violation
17 and each day of violation constitutes a separate offense.

18 **SECTION 31.** 196.85 (2g) of the statutes is renumbered 101.937 (6) (a) and
19 amended to read:

20 101.937 (6) (a) The ~~commission~~ department shall annually, within 90 days
21 after the commencement of each fiscal year, assess against ~~mobile~~ manufactured
22 home park operators the total amount appropriated under s. 20.155 (1) 20.143 (3) (i).
23 The ~~commission~~ department shall assess each ~~mobile~~ manufactured home park
24 operator an amount in proportion to the total number of ~~mobile~~ manufactured homes
25 in all ~~mobile~~ manufactured home parks owned or managed by the ~~mobile~~

1 manufactured home park operator on July 1 of the current fiscal year as a fraction
2 of the total number of ~~mobile~~ manufactured homes in all ~~mobile~~ manufactured home
3 parks in this state on July 1 of the current fiscal year. If necessary, the ~~commission~~
4 department shall adjust the amount assessed to correct any incorrect assessment
5 that was made in a prior fiscal year. A ~~mobile~~ manufactured home park operator
6 shall pay the assessment within 30 days after the ~~commission~~ department mails the
7 bill to the ~~mobile~~ manufactured home park operator. The bill constitutes notice of
8 the assessment and demand for payment. Payments shall be credited to the ~~the~~
9 appropriation account under s. ~~20.155 (1)~~ 20.143 (3) (i).

10 **SECTION 32.** 196.85 (3) of the statutes is amended to read:

11 196.85 (3) If any public utility, sewerage system, joint local water authority,
12 ~~mobile home park operator~~ or power district is billed under sub. (1), (2), or (2e) ~~or~~ (2g)
13 and fails to pay the bill within 30 days or fails to file objections to the bill with the
14 commission, as provided in this subsection, the commission shall transmit to the
15 state treasurer a certified copy of the bill, together with notice of failure to pay the
16 bill, and on the same day the commission shall mail by registered mail to the public
17 utility, sewerage system, joint local water authority, ~~mobile home park operator~~ or
18 power district a copy of the notice ~~which~~ that it has transmitted to the state treasurer.
19 Within 10 days after receipt of the notice and certified copy of the bill, the state
20 treasurer shall levy the amount stated on the bill to be due, with interest, by distress
21 and sale of any property, including stocks, securities, bank accounts, evidences of
22 debt, and accounts receivable belonging to the delinquent public utility, sewerage
23 system, joint local water authority, ~~mobile home park operator~~ or power district. The
24 levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall

1 be made by the state treasurer and that goods and chattels anywhere within the state
2 may be levied upon.

3 **SECTION 33.** 196.85 (4) (a) of the statutes is amended to read:

4 196.85 (4) (a) Within 30 days after the date of the mailing of any bill under sub.
5 (1), (2), or (2e) or (2g), the public utility, sewerage system, joint local water authority,
6 ~~mobile home park operator~~ or power district that has been billed may file with the
7 commission objections setting out in detail the grounds upon which the objector
8 regards the bill to be excessive, erroneous, unlawful, or invalid. The commission,
9 after notice to the objector, shall hold a hearing upon the objections, from 5 to 10 days
10 after providing the notice. If after the hearing the commission finds any part of the
11 bill to be excessive, erroneous, unlawful, or invalid, it shall record its findings upon
12 its minutes and transmit to the objector by registered mail an amended bill, in
13 accordance with the findings. The amended bill shall have the same force and effect
14 under this section as an original bill rendered under sub. (1), (2), or (2e) or (2g).

15 **SECTION 34.** 196.85 (5) of the statutes is amended to read:

16 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
17 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e) or (2g).
18 Every public utility, sewerage system, joint local water authority, ~~mobile home park~~
19 ~~operator~~ or power district that is billed shall pay the amount of the bill, and after
20 payment may in the manner provided under this section, at any time within 2 years
21 from the date the payment was made, sue the state to recover the amount paid plus
22 interest from the date of payment, upon the ground that the assessment was
23 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
24 any part of the bill for which payment was made was excessive, erroneous, unlawful,

1 or invalid, the state treasurer shall make a refund to the claimant as directed by the
2 court. The refund shall be charged to the appropriations to the commission.

3 **SECTION 9142. Nonstatutory provisions; public service commission.**

4 (1) TRANSITIONAL PROVISIONS; WATER AND SEWER SERVICE TO MANUFACTURED HOME
5 PARKS. On the effective date of this subsection, each of the following applies:

6 (a) *Assets and liabilities.* The assets and liabilities of the public service
7 commission primarily related to the regulation of water and sewer service provided
8 to manufactured home parks, as determined by the secretary of administration,
9 shall become the assets and liabilities of the department of commerce.

10 (b) *Tangible personal property.* All tangible personal property, including
11 records, of the public service commission primarily related to the regulation of water
12 and sewer service provided to manufactured home parks, as determined by the
13 secretary of administration, is transferred to the department of commerce.

14 (c) *Contracts.* All contracts entered into by the public service commission in
15 effect on the effective date of this paragraph that are primarily related to the
16 regulation of water and sewer service provided to manufactured home parks, as
17 determined by the secretary of administration, remain in effect and are transferred
18 to the department of commerce. The department of commerce shall carry out any
19 obligations under such a contract until the contract is modified or rescinded by the
20 department of commerce to the extent allowed under the contract.

21 (d) *Rules and orders.* All rules promulgated by the public service commission
22 that are in effect on the effective date of this paragraph and that are primarily related
23 to the regulation of water and sewer service provided to manufactured home parks,
24 as determined by the secretary of administration, remain in effect until their
25 specified expiration date or until amended or repealed by the department of

1 commerce. All orders issued by the public service commission that are in effect on
2 the effective date of this paragraph and that are primarily related to the regulation
3 of water and sewer service provided to manufactured home parks, as determined by
4 the secretary of administration, remain in effect until their specified expiration date
5 or until modified or rescinded by the department of commerce.

6 (e) *Pending matters.* Any matter pending with the public service commission
7 on the effective date of this paragraph and that is primarily related to the regulation
8 of water and sewer service provided to manufactured home parks, as determined by
9 the secretary of administration, is transferred to the department of commerce and
10 all materials submitted to or actions taken by the public service commission with
11 respect to the pending matter are considered as having been submitted to or taken
12 by the department of commerce.

13 **SECTION 9442. Effective dates; public service commission.**

14 (1) WATER AND SEWER SERVICE TO MANUFACTURED HOME PARKS. The treatment of
15 sections 20.155 (1) (g) and (i), 100.20 (2) (b), 101.91 (2b), (2d), (2f), (2h), (2k), (5), and
16 (6), 101.937 (title), (6) (title) and (b) to (g), 196.01 (3n), (3p), (3q), (3s), and (3t), 196.26
17 (1) (a), (1m), and (2) (a) and (b), 196.28 (1) and (3), 196.498 (title), (2), (3), (4), (5), and
18 (6), 196.85 (2g), (3), (4) (a), and (5) of the statutes takes effect on the first day of the
19 7th month beginning after publication.

20 (END)

101.93 (title) 5

and of 7 subchapter V (title)
of chapter 101 of
the statutes

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2007/2ins
MDK.....

1

INSERT 3-15:

2

~~SECTION 101.93~~ Subchapter V (title) of chapter 101 [precedes 101.91] of the statutes

3

is amended to read:

4

CHAPTER 101

5

SUBCHAPTER V

6

MANUFACTURED HOMES AND MOBILE HOMES;

7

REGULATION OF MANUFACTURERS

8

INSERT 3-22:

9

~~SECTION 101.93~~ 101.93 (title) of the statutes is repealed and recreated to read:

10

101.93(title) Plumbing in manufactured homes.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2007/2dn

MDK./.....

WLj

Bill Walker and Kerry Holden:

This version is identical to the previous version, except for the following minor "housekeeping" changes in ch. 101, stats.:

1. The title of subch. V of ch. 101 is amended. Because the bill requires the department of commerce to regulate water and sewer service, the subchapter involves more than just regulating manufacturers.

2. The title of s. 101.93, stats., is changed from "Departmental powers and duties" to "Plumbing in manufactured homes". Because the department has duties and powers in proposed s. 101.937, it would be misleading not to change the title of s. 101.93, stats.

Finally, you may want to consider amending s. 101.965 (2), stats., which provides: "In any court action brought by the department for violations of [subchapter V], the department may recover all costs of testing and investigation, in addition to costs otherwise recoverable, if it prevails in the action." The department will be able to rely on this provision for violations of proposed s. 101.937. However, under proposed s. 101.937 (3) (b), DOJ and district attorneys may also bring court actions for violations. Therefore, you may want to amend s. 101.965 (2), stats., to also allow DOJ and district attorneys to recover testing and investigation costs. Because this strikes me as a substantive issue, I am reluctant to amend the provision without instructions from you.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2007/2dn
MDK:wlj:km

January 19, 2001

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Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

Gretschmann, Karen

From: Gretschmann, Karen
Sent: Friday, January 19, 2001 1:57 PM
To: Holden, Kerry
Subject: 01-2007/2 per your request



01-2007/2



01-2007/2dn

*Karen Gretschmann
Legislative Program Assistant/Financial Specialist
Legal Section
Wisconsin Legislative Reference Bureau
(608) 266-3561*



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2007/2

MDK:wlj:km

DOA:.....Walker – Transfer motor home park water and sewer regulation
from PSC to department of commerce

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

This bill transfers authority to regulate water and sewer service provided to occupants of manufactured home parks from PSC to the department of commerce. See **STATE GOVERNMENT, PUBLIC UTILITY REGULATION**.

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

This bill transfers authority to regulate water and sewer service provided to occupants of manufactured home parks from PSC to the department of commerce. Under current law, PSC is required to promulgate rules that establish standards for water or sewer service that is provided to occupants of a mobile home park by the park operator or a contractor. A “mobile home park” is defined as any tract of land containing two or more individual plots of land that are rented for the accommodation of a mobile home. A “mobile home” is defined as a manufactured home. PSC’s rules must include requirements for metering, billing, depositing,

arranging deferred payment, installing service, refusing or discontinuing service, and resolving disputes about service. The rules must also ensure that charges are reasonable and not unjustly discriminatory, that service is reasonably adequate, and that any related practice is just and reasonable. PSC may, on its own motion or upon a complaint by a mobile home park occupant, issue an order or commence a civil action against an operator or contractor to enforce the rules. In addition, DOJ, after consulting with PSC, or any district attorney may commence an action to enforce the rules. Annually, PSC bills operators of mobile home parks, in proportion to the number of parks owned or managed by an operator, for the costs incurred by the PSC in regulating water or sewer service. Current law includes requirements for paying bills and resolving objections to the amount of a bill.

This bill requires the department of commerce, instead of PSC, to promulgate the rules. In addition, the bill changes current law to refer to manufactured home parks, rather than to mobile home parks. Under current law, which the bill does not change, a “manufactured home park” is defined as any plot or plots of ground upon which are located three or more manufactured homes that are occupied for dwelling or sleeping purposes but does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother, or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm. The bill allows the department of commerce to take the enforcement action that PSC is allowed to take under current law. Also, the bill requires the department of commerce to bill operators of manufactured home parks for its regulatory costs in the same manner that PSC bills mobile home park operators under current law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.155 (1) (g) of the statutes is amended to read:

2 20.155 (1) (g) *Utility regulation.* The amounts in the schedule for the
3 regulation of utilities. Ninety percent of all moneys received by the commission
4 under s. 196.85, 196.855, or 201.10 (3), ~~except moneys received from mobile home~~
5 ~~park operators under s. 196.85 (2g)~~, shall be credited to this appropriation. Ninety
6 percent of all receipts from the sale of miscellaneous printed reports and other copied
7 material, the cost of which was originally paid under this paragraph, shall be
8 credited to this appropriation.

1 **SECTION 7.** 101.91 (2f) of the statutes is renumbered 101.91 (5m).

2 **SECTION 8.** 101.91 (2h) of the statutes is renumbered 101.91 (9).

3 **SECTION 9.** 101.91 (2k) of the statutes is renumbered 101.91 (10).

4 **SECTION 10.** 101.91 (5) of the statutes is renumbered 101.91 (11).

5 **SECTION 11.** 101.91 (6) of the statutes is renumbered 101.91 (12).

6 **SECTION 12.** 101.93 (title) of the statutes is repealed and recreated to read:

7 **101.93 (title) Plumbing in manufactured homes.**

8 **SECTION 13.** 101.937 (title) of the statutes is created to read:

9 **101.937 (title) Water and sewer service to manufactured home parks.**

10 **SECTION 14.** 101.937 (6) (title) of the statutes is created to read:

11 101.937 (6) (title) PAYMENT OF DEPARTMENT'S EXPENDITURES.

12 **SECTION 15.** 101.937 (6) (b) to (g) of the statutes are created to read:

13 101.937 (6) (b) If any manufactured home park operator is billed under par. (a)
14 and fails to pay the bill within 30 days or fails to file objections to the bill with the
15 department, as provided in this paragraph, the department shall transmit to the
16 state treasurer a certified copy of the bill, together with notice of failure to pay the
17 bill, and on the same day the department shall mail by registered mail to the
18 manufactured home park operator a copy of the notice that the department has
19 transmitted to the state treasurer. Within 10 days after receipt of the notice and
20 certified copy of the bill, the state treasurer shall levy the amount stated on the bill
21 to be due, with interest, by distress and sale of any property, including stocks,
22 securities, bank accounts, evidences of debt, and accounts receivable belonging to the
23 delinquent manufactured home park operator. The levy by distress and sale shall
24 be governed by s. 74.10, 1985 stats., except that it shall be made by the state
25 treasurer and that goods and chattels anywhere within the state may be levied upon.

1 (c) 1. Within 30 days after the date of the mailing of any bill under par. (a), the
2 manufactured home park operator that has been billed may file with the department
3 objections setting out in detail the grounds upon which the objector regards the bill
4 to be excessive, erroneous, unlawful, or invalid. The department, after notice to the
5 objector, shall hold a hearing upon the objections, from 5 to 10 days after providing
6 the notice. If after the hearing the department finds any part of the bill to be
7 excessive, erroneous, unlawful, or invalid, the department shall record its findings
8 upon its minutes and transmit to the objector by registered mail an amended bill, in
9 accordance with the findings. The amended bill shall have the same force and effect
10 as an original bill rendered under par. (a).

11 2. If after a hearing under subd. 1. the department finds the entire bill unlawful
12 or invalid, the department shall notify the objector by registered mail of the
13 determination, in which case the original bill shall be deemed null and void.

14 3. If after a hearing under subd. 1. the department finds that the bill as
15 rendered is not excessive, erroneous, unlawful, or invalid, either in whole or in part,
16 the department shall record the findings upon its minutes, and transmit to the
17 objector by registered mail notice of the findings.

18 4. If any bill against which objections have been filed is not paid within 10 days
19 after notice of a finding that the objections have been overruled and disallowed by
20 the department has been mailed to the objector as provided in this paragraph, the
21 department shall give notice of the delinquency to the state treasurer and to the
22 objector, in the manner provided in par. (b). The state treasurer shall then proceed
23 to collect the amount of the delinquent bill as provided in par. (b). If an amended bill
24 is not paid within 10 days after a copy of the amended bill is mailed to the objector
25 by registered mail, the department shall notify the state treasurer and the objector

1 as in the case of delinquency in the payment of an original bill. The state treasurer
2 shall then proceed to collect the amount of the amended bill as provided in the case
3 of an original bill.

4 (d) No suit or proceeding may be maintained in any court to restrain or delay
5 the collection or payment of any bill rendered under par. (a). Every manufactured
6 home park operator that is billed shall pay the amount of the bill and after payment
7 may in the manner provided under this subsection, at any time within 2 years from
8 the date the payment was made, sue the state to recover the amount paid plus
9 interest from the date of payment, upon the ground that the assessment was
10 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
11 any part of the bill for which payment was made was excessive, erroneous, unlawful,
12 or invalid, the state treasurer shall make a refund to the claimant as directed by the
13 court. The refund shall be charged to the appropriations to the department.

14 (e) No action for recovery of any amount paid pursuant to this subsection shall
15 be maintained in any court unless objections have been filed with the department as
16 provided under this subsection. In any action for recovery of any payments made
17 under this subsection the claimant shall be entitled to raise every relevant issue of
18 law, but the department's findings of fact made pursuant to this subsection shall be
19 prima facie evidence of the facts therein stated.

20 (f) Each of the following shall be deemed to be findings of fact of the department,
21 within the meaning of this subsection:

22 1. Determinations of fact expressed in bills rendered pursuant to this
23 subsection.

1 2. Determinations of fact set out in those minutes of the department that record
2 the action of the department in passing upon the bills and in passing upon objections
3 thereto.

4 (g) The procedure under this subsection providing for determining the
5 lawfulness of bills and the recovery back of payments made pursuant to the bills shall
6 be exclusive of all other remedies and procedures.

7 **SECTION 16.** 196.01 (3n) of the statutes is repealed.

8 **SECTION 17.** 196.01 (3p) of the statutes is repealed.

9 **SECTION 18.** 196.01 (3q) of the statutes is renumbered 101.91 (6m) and
10 amended to read:

11 101.91 (6m) "Mobile Manufactured home park contractor" means a person,
12 other than a public utility, as defined in s. 196.01 (5) (a), who, under a contract with
13 a mobile manufactured home park operator, provides water or sewer service to a
14 mobile manufactured home park occupant or performs a service related to providing
15 water or sewer service to a mobile manufactured home park occupant.

16 **SECTION 19.** 196.01 (3s) of the statutes is renumbered 101.91 (7) and amended
17 to read:

18 101.91 (7) "Mobile Manufactured home park occupant" means a person who
19 rents or owns a mobile manufactured home in a mobile manufactured home park.

20 **SECTION 20.** 196.01 (3t) of the statutes is renumbered 101.91 (8) and amended
21 to read:

22 101.91 (8) "Mobile Manufactured home park operator" means a person
23 engaged in the business of owning or managing a mobile manufactured home park.

24 **SECTION 21.** 196.26 (1) (a) of the statutes is amended to read:

1 196.26 (1) (a) A complaint filed with the commission that any rate, toll, charge,
2 or schedule, joint rate, regulation, measurement, act, or practice relating to the
3 provision of heat, light, water, power, or telecommunications service, ~~or to the~~
4 ~~provision of water or sewer service by a mobile home park operator or mobile home~~
5 ~~park contractor,~~ is unreasonable, inadequate, unjustly discriminatory, or cannot be
6 obtained.

7 **SECTION 22.** 196.26 (1m) of the statutes is amended to read:

8 196.26 (1m) INVESTIGATION OF COMPLAINT. If any mercantile, agricultural, or
9 manufacturing society, body politic, municipal organization, or 25 persons file a
10 complaint specified in sub. (1) (a) against a public utility, or if the commission
11 terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person
12 files a complaint specified in sub. (1) (c), the commission, with or without notice, may
13 investigate the complaint under this section as it considers necessary. ~~If the mobile~~
14 ~~home park occupants of 25% of the total number of mobile homes in a mobile home~~
15 ~~park or the mobile home park occupants of 25 mobile homes in a mobile home park,~~
16 ~~whichever is less, files a complaint specified in sub. (1) (a) against a mobile home park~~
17 ~~contractor or mobile home park operator, the commission, with or without notice,~~
18 ~~may investigate the complaint as it considers necessary.~~ The commission may not
19 issue an order based on an investigation under this subsection without a public
20 hearing.

21 **SECTION 23.** 196.26 (2) (a) of the statutes is amended to read:

22 196.26 (2) (a) Prior to a hearing under this section, the commission shall notify
23 the public utility, ~~mobile home park contractor, mobile home park operator or party~~
24 to an interconnection agreement complained of that a complaint has been made, and
25 10 days after the notice has been given the commission may proceed to set a time and

1 place for a hearing and an investigation. This paragraph does not apply to a
2 complaint specified in sub. (1) (b).

3 **SECTION 24.** 196.26 (2) (b) of the statutes is amended to read:

4 196.26 (2) (b) The commission shall give the complainant and either the public
5 utility, ~~mobile home park contractor, mobile home park operator~~ or party to an
6 interconnection agreement which is the subject of a complaint specified in sub. (1)
7 (a) or (c) or, for a complaint specified in sub. (1) (b), a party to an interconnection
8 agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days' notice
9 of the time and place of the hearing and the matter to be considered and determined
10 at the hearing. The complainant and either the public utility, ~~mobile home park~~
11 ~~contractor, mobile home park operator~~ or party to the interconnection agreement
12 may be heard. The commission may subpoena any witness at the request of the
13 public utility, ~~mobile home park contractor, mobile home park operator,~~ party to the
14 interconnection agreement, or complainant.

15 **SECTION 25.** 196.28 (1) of the statutes is amended to read:

16 196.28 (1) If the commission believes that any rate or charge is unreasonable
17 or unjustly discriminatory or that any service is inadequate or cannot be obtained
18 or that an investigation of any matter relating to any public utility ~~or to any provision~~
19 ~~of water or sewer service by a mobile home park operator or mobile home park~~
20 ~~contractor~~ should for any reason be made, the commission on its own motion
21 summarily may investigate with or without notice.

22 **SECTION 26.** 196.28 (3) of the statutes is amended to read:

23 196.28 (3) Notice of the time and place for a hearing under sub. (2) shall be
24 given to the public utility, ~~mobile home park contractor or mobile home park~~
25 ~~operator,~~ and to such other interested persons as the commission considers

1 necessary. After the notice has been given, proceedings shall be had and conducted
2 in reference to the matter investigated as if a complaint specified in s. 196.26 (1) (a)
3 had been filed with the commission relative to the matter investigated. The same
4 order or orders may be made in reference to the matter as if the investigation had
5 been made on complaint under s. 196.26.

6 **SECTION 27.** 196.498 (title) of the statutes is repealed.

7 **SECTION 28.** 196.498 (2) of the statutes is renumbered 101.937 (1) and amended
8 to read:

9 101.937 (1) RULES. The ~~commission~~ department shall promulgate rules that
10 establish standards for providing water or sewer service by a ~~mobile~~ manufactured
11 home park operator or ~~mobile~~ manufactured home park contractor to a ~~mobile~~
12 manufactured home park occupant, including requirements for metering, billing,
13 ~~deposits, depositing, arranging~~ deferred payment arrangements, ~~installation of,~~
14 installing service, refusing or discontinuing service, and resolving disputes with
15 respect to service. Rules promulgated under this subsection shall ensure that any
16 charge for water or sewer service is reasonable and not unjustly discriminatory, that
17 the water or sewer service is reasonably adequate, and that any practice relating to
18 providing the service is just and reasonable.

19 **SECTION 29.** 196.498 (3) of the statutes is renumbered 101.937 (2) and amended
20 to read:

21 101.937 (2) PERMANENT IMPROVEMENTS. A ~~mobile~~ manufactured home park
22 operator may make a reasonable recovery of capital costs for permanent
23 improvements related to the provision of water or sewer service to ~~mobile~~
24 manufactured home park occupants through ongoing rates for water or sewer
25 service.

1 **SECTION 30.** 196.498 (4) of the statutes is renumbered 101.937 (3) and amended
2 to read:

3 101.937 (3) ENFORCEMENT. (a) ~~Notwithstanding s. 196.44, on~~ On its own motion
4 or upon a complaint filed by a ~~mobile~~ manufactured home park occupant, the
5 ~~commission department~~ may issue an order or commence a civil action against a
6 ~~mobile~~ manufactured home park operator or ~~mobile~~ manufactured home park
7 contractor to enforce this section, any rule promulgated under sub. (2) (1), or any
8 order issued under this paragraph.

9 (b) The department of justice, after consulting with the ~~commission~~
10 department, or any district attorney may commence an action in circuit court to
11 enforce this section.

12 **SECTION 31.** 196.498 (5) of the statutes is renumbered 101.937 (4) and amended
13 to read:

14 101.937 (4) PRIVATE CAUSE OF ACTION. Any person suffering pecuniary loss
15 because of a violation of any rule promulgated under sub. (2) (1) or order issued under
16 sub. (4) (3) (a) may sue for damages and shall recover twice the amount of any
17 pecuniary loss, together with costs, and, notwithstanding s. 814.04 (1), reasonable
18 attorney fees.

19 **SECTION 32.** 196.498 (6) of the statutes is renumbered 101.937 (5) and amended
20 to read:

21 101.937 (5) PENALTIES. (a) Any person who violates any rule promulgated
22 under sub. (2) (1) or any order issued under sub. (4) (3) (a) shall forfeit not less than
23 \$25 nor more than \$5,000. Each violation and each day of violation constitutes a
24 separate offense.

1 (b) Any person who intentionally violates any rule promulgated under sub. (2)
2 (1) or order issued under sub. (4) (3) (a) shall be fined not less than \$25 nor more than
3 \$5,000 or imprisoned not more than one year in the county jail or both. Each violation
4 and each day of violation constitutes a separate offense.

5 **SECTION 33.** 196.85 (2g) of the statutes is renumbered 101.937 (6) (a) and
6 amended to read:

7 101.937 (6) (a) The ~~commission~~ department shall annually, within 90 days
8 after the commencement of each fiscal year, assess against ~~mobile~~ manufactured
9 home park operators the total amount appropriated under s. ~~20.155 (1)~~ 20.143 (3) (i).
10 The ~~commission~~ department shall assess each ~~mobile~~ manufactured home park
11 operator an amount in proportion to the total number of ~~mobile~~ manufactured homes
12 in all ~~mobile~~ manufactured home parks owned or managed by the ~~mobile~~
13 manufactured home park operator on July 1 of the current fiscal year as a fraction
14 of the total number of ~~mobile~~ manufactured homes in all ~~mobile~~ manufactured home
15 parks in this state on July 1 of the current fiscal year. If necessary, the ~~commission~~
16 department shall adjust the amount assessed to correct any incorrect assessment
17 that was made in a prior fiscal year. A ~~mobile~~ manufactured home park operator
18 shall pay the assessment within 30 days after the ~~commission~~ department mails the
19 bill to the ~~mobile~~ manufactured home park operator. The bill constitutes notice of
20 the assessment and demand for payment. Payments shall be credited to the ~~the~~
21 appropriation account under s. ~~20.155 (1)~~ 20.143 (3) (i).

22 **SECTION 34.** 196.85 (3) of the statutes is amended to read:

23 196.85 (3) If any public utility, sewerage system, joint local water authority,
24 ~~mobile home park operator~~ or power district is billed under sub. (1), (2), or (2e) or (2g)
25 and fails to pay the bill within 30 days or fails to file objections to the bill with the

1 commission, as provided in this subsection, the commission shall transmit to the
2 state treasurer a certified copy of the bill, together with notice of failure to pay the
3 bill, and on the same day the commission shall mail by registered mail to the public
4 utility, sewerage system, joint local water authority, ~~mobile home park operator~~ or
5 power district a copy of the notice ~~which~~ that it has transmitted to the state treasurer.
6 Within 10 days after receipt of the notice and certified copy of the bill, the state
7 treasurer shall levy the amount stated on the bill to be due, with interest, by distress
8 and sale of any property, including stocks, securities, bank accounts, evidences of
9 debt, and accounts receivable belonging to the delinquent public utility, sewerage
10 system, joint local water authority, ~~mobile home park operator~~ or power district. The
11 levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall
12 be made by the state treasurer and that goods and chattels anywhere within the state
13 may be levied upon.

14 **SECTION 35.** 196.85 (4) (a) of the statutes is amended to read:

15 196.85 (4) (a) Within 30 days after the date of the mailing of any bill under sub.
16 (1), (2), or (2e) ~~or (2g)~~, the public utility, sewerage system, joint local water authority,
17 ~~mobile home park operator~~ or power district that has been billed may file with the
18 commission objections setting out in detail the grounds upon which the objector
19 regards the bill to be excessive, erroneous, unlawful, or invalid. The commission,
20 after notice to the objector, shall hold a hearing upon the objections, from 5 to 10 days
21 after providing the notice. If after the hearing the commission finds any part of the
22 bill to be excessive, erroneous, unlawful, or invalid, it shall record its findings upon
23 its minutes and transmit to the objector by registered mail an amended bill, in
24 accordance with the findings. The amended bill shall have the same force and effect
25 under this section as an original bill rendered under sub. (1), (2), or (2e) ~~or (2g)~~.

1 **SECTION 36.** 196.85 (5) of the statutes is amended to read:

2 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
3 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e) or (2g).
4 Every public utility, sewerage system, joint local water authority, ~~mobile home park~~
5 ~~operator~~ or power district that is billed shall pay the amount of the bill, and after
6 payment may in the manner provided under this section, at any time within 2 years
7 from the date the payment was made, sue the state to recover the amount paid plus
8 interest from the date of payment, upon the ground that the assessment was
9 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
10 any part of the bill for which payment was made was excessive, erroneous, unlawful,
11 or invalid, the state treasurer shall make a refund to the claimant as directed by the
12 court. The refund shall be charged to the appropriations to the commission.

13 **SECTION 9142. Nonstatutory provisions; public service commission.**

14 (1) TRANSITIONAL PROVISIONS; WATER AND SEWER SERVICE TO MANUFACTURED HOME
15 PARKS. On the effective date of this subsection, each of the following applies:

16 (a) *Assets and liabilities.* The assets and liabilities of the public service
17 commission primarily related to the regulation of water and sewer service provided
18 to manufactured home parks, as determined by the secretary of administration, shall
19 become the assets and liabilities of the department of commerce.

20 (b) *Tangible personal property.* All tangible personal property, including
21 records, of the public service commission primarily related to the regulation of water
22 and sewer service provided to manufactured home parks, as determined by the
23 secretary of administration, is transferred to the department of commerce.

24 (c) *Contracts.* All contracts entered into by the public service commission in
25 effect on the effective date of this paragraph that are primarily related to the

1 regulation of water and sewer service provided to manufactured home parks, as
2 determined by the secretary of administration, remain in effect and are transferred
3 to the department of commerce. The department of commerce shall carry out any
4 obligations under such a contract until the contract is modified or rescinded by the
5 department of commerce to the extent allowed under the contract.

6 (d) *Rules and orders.* All rules promulgated by the public service commission
7 that are in effect on the effective date of this paragraph and that are primarily related
8 to the regulation of water and sewer service provided to manufactured home parks,
9 as determined by the secretary of administration, remain in effect until their
10 specified expiration date or until amended or repealed by the department of
11 commerce. All orders issued by the public service commission that are in effect on
12 the effective date of this paragraph and that are primarily related to the regulation
13 of water and sewer service provided to manufactured home parks, as determined by
14 the secretary of administration, remain in effect until their specified expiration date
15 or until modified or rescinded by the department of commerce.

16 (e) *Pending matters.* Any matter pending with the public service commission
17 on the effective date of this paragraph and that is primarily related to the regulation
18 of water and sewer service provided to manufactured home parks, as determined by
19 the secretary of administration, is transferred to the department of commerce and
20 all materials submitted to or actions taken by the public service commission with
21 respect to the pending matter are considered as having been submitted to or taken
22 by the department of commerce.

23 **SECTION 9442. Effective dates; public service commission.**

24 (1) **WATER AND SEWER SERVICE TO MANUFACTURED HOME PARKS.** The treatment of
25 sections 20.155 (1) (g) and (i), 100.20 (2) (b), 101.91 (2b), (2d), (2f), (2h), (2k), (5), and

1 (6), 101.93 (title), 101.937 (title), (6) (title) and (b) to (g), 196.01 (3n), (3p), (3q), (3s),
2 and (3t), 196.26 (1) (a), (1m), and (2) (a) and (b), 196.28 (1) and (3), 196.498 (title), (2),
3 (3), (4), (5), and (6), 196.85 (2g), (3), (4) (a), and (5) of the statutes and of subchapter
4 V (title) of chapter 101 of the statutes take effect on the first day of the 7th month
5 beginning after publication.

6 (END)