

2007 DRAFTING REQUEST

Bill

Received: **11/03/2006**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Suder (608) 267-0280**

By/Representing: **Anne Emerson**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Suder@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Landlord notification of unpaid tenant water, gas, and electric bills

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	mkunkel 08/16/2007	jdye 08/17/2007	rschluet 08/17/2007	_____	sbasford 08/17/2007	cdurst 12/20/2007	

FE Sent For: **N/A**

<END>

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/?

mkunkel

1/8/10 jld

<END>

FE Sent For:

Kunkel, Mark

From: Sundberg, Christopher
Sent: Friday, November 03, 2006 2:19 PM
To: Kunkel, Mark
Subject: FW: Draft Request

From: Parisi, Lori
Sent: Friday, November 03, 2006 12:41 PM
To: Kuczenski, Tracy
Cc: Sundberg, Christopher
Subject: FW: Draft Request

Hello....

Would one of you be able to take care of this drafting request as it deals with housing (rental properties)? If not, could you please forward it onto the correct drafting attorney? Thanks much.

Lori

From: Emerson, Anne
Sent: Friday, November 03, 2006 11:04 AM
To: LRB.Legal
Subject: Draft Request

Representative Suder would like to draft a bill that would require a landlord to be notified when their tenant's water bill is found in default. What oftentimes happens is when a tenant doesn't pay their water bill they will just let it go and add it to the tax roll of the landlord. As a result the landlord may be stuck with an unexpected bill of their tenant that they were not even aware of. The tenant can just move on to another place and do the same thing. We feel if the landlord is going to be held responsible for paying this, then the landlord should at least be informed.

In addition gas/electric companies can shut off utilities without notifying the landlord. The utilities reasoning for not notifying the landlord is the privacy act and they consider the landlord a 3rd party. We were wondering if there is something we can do to ensure the landlord is notified of disconnections, since by doing so may cause damages to their property. As an example, if the electricity is shut off and the fridge defrosts and leaks onto the floor it can ruin a floor and cost quite a bit to replace it.

I hope this explains what we are looking for but should you have any questions regarding this request, please do not hesitate to contact us.

Thank you!

Anne Emerson
Office of State Representative Scott Suder

*already req'd
under current law*

am 196.643?



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1255/1

MDK:.....

O-note

Jld

2007 BILL

*LPS-check
auto refs
please*

Gen

1 **AN ACT** ...; **relating to:** requiring notice for disconnection of public utility service
2 to rental dwellings, providing an exemption from emergency rule procedures,
3 and granting rule-making authority. ✓

Analysis by the Legislative Reference Bureau

This bill requires a public utility to give written notice to the owner of a rental dwelling unit before the public utility disconnects service that it provides to the rental dwelling unit. The bill also requires the Public Service Commission (PSC) to promulgate rules establishing requirements and procedures for giving the notice.

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

4 **SECTION 1.** 196.643 (title) ✓ of the statutes is amended to read:
5 **196.643 (title)** ~~Owner responsibility for service~~ ✓ **Service to rental**
6 **dwelling unit.**

History: 1989 a. 40.

7 **SECTION 2.** 196.643 (3) ✓ of the statutes is created to read:
8 **196.643 (3) DISCONNECTION NOTICES.** ✓ Before disconnecting service to a ✓ rental
9 dwelling unit, a public utility shall give written notice of the disconnection to the

BILL**SECTION 2**

1 owner of the rental dwelling unit. The commission shall promulgate rules
2 establishing requirements and procedures for giving the notice.

SECTION 3. Nonstatutory provisions.

3
4 (1) The public service commission shall submit in proposed form the rules
5 required under section 196.643 (3) of the statutes, as created by this act, to the
6 legislative council staff under section 227.15 (1) of the statutes no later than the first
7 day of the 7th month beginning after the effective date of this subsection.

8 (2) Using the procedure under section 227.24 of the statutes, the public service
9 commission may promulgate rules required under section 196.643 (3) of the statutes,
10 as created by this act, for the period before the effective date of the rules submitted
11 under subsection (1), but not to exceed the period authorized under section 227.24
12 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)
13 of the statutes, the public service commission is not required to provide evidence that
14 promulgating a rule under this subsection as an emergency rule is necessary for the
15 preservation of the public peace, health, safety, or welfare and is not required to
16 provide a finding of emergency for a rule promulgated under this subsection.

SECTION 4. Effective date.

17
18 (1) This act takes effect on the first day of the 10th month beginning after
19 publication.

20 (END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1255/1dn

MDK: n:...

date

JLD

Rep. Suder:

Please note the following about this bill: ✓

1. The bill requires the PSC ✓ to promulgate rules establishing requirements and procedures for the notice that is required. In promulgating the rules, the PSC ✓ will resolve some issues relating to the notice, such as, for example, the timing of the notice. Is that okay? Also, the bill allows the PSC to promulgate emergency rules, which may be necessary if the PSC is unable to promulgate regular rules in time to implement the bill's requirements. ✓ The emergency rules would "fill the gap" before the regular rules go into effect. Is that okay? ✓

2. You also requested the bill to require a municipal water utility to provide notice to a landlord before adding a tenant's delinquent water bill to the landlord's property tax. Current law already addresses this issue. Under s. 66.0809 (5), ✓ if a landlord notifies a municipal water utility in writing of the name and address of the tenant who is responsible for paying utility charges, the municipal utility may not add delinquent charges to the landlord's property tax bill unless the municipal utility has notified the landlord about the delinquency. ✓ (Section s. 66.0809 (5) ✓ also applies to electric bills.) Please review s. 66.0809 (5) ✓ and let me know if you want to make any changes to that statute. *

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1255/1dn
MDK:jld:rs

August 17, 2007

Rep. Suder:

Please note the following about this bill:

1. The bill requires the PSC to promulgate rules establishing requirements and procedures for the notice that is required. In promulgating the rules, the PSC will resolve some issues relating to the notice, such as, for example, the timing of the notice. Is that okay? Also, the bill allows the PSC to promulgate emergency rules, which may be necessary if the PSC is unable to promulgate regular rules in time to implement the bill's requirements. The emergency rules would "fill the gap" before the regular rules go into effect. Is that okay?
2. You also requested the bill to require a municipal water utility to provide notice to a landlord before adding a tenant's delinquent water bill to the landlord's property tax. Current law already addresses this issue. Under s. 66.0809 (5), if a landlord notifies a municipal water utility in writing of the name and address of the tenant who is responsible for paying utility charges, the municipal utility may not add delinquent charges to the landlord's property tax bill unless the municipal utility has notified the landlord about the delinquency. (Section s. 66.0809 (5) also applies to electric bills.) Please review s. 66.0809 (5) and let me know if you want to make any changes to that statute.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Duerst, Christina

From: Emerson, Anne
Sent: Thursday, December 20, 2007 1:31 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1255/1 Topic: Landlord notification of unpaid tenant water, gas, and electric bills

Please Jacket LRB 07-1255/1 for the ASSEMBLY.