

2013 DRAFTING REQUEST

Bill

Received: 10/30/2013 Received By: mkunkel
 Wanted: As time permits Same as LRB:
 For: Dean Kaufert (608) 266-5719 By/Representing: Adam Field
 May Contact: Drafter: mkunkel
 Subject: Public Util. - misc. Addl. Drafters:
 Extra Copies: EVM

Submit via email: YES
 Requester's email: Rep.Kaufert@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Releases of municipal utility customer information

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>
/?	mkunkel 11/1/2013			_____			
/1		evinz 11/1/2013	jmurphy 11/1/2013	_____	mbarman 11/1/2013	rose 11/5/2013	

FE Sent For:

NOT
NEEDED

<END>

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/?	mkunkel	1 eeV 11/4/13	1 eeV 11/1/13	_____	_____	_____	_____
FE Sent For:				pm 11/1/13			

<END>

Kunkel, Mark

From: Field, Adam
Sent: Wednesday, October 30, 2013 11:22 AM
To: Kunkel, Mark
Subject: Bill Draft Requestion Re Release of Information by a Municipal Utility

Hi Mark,

Rep. Kaufert would like a bill draft to:

- 1) Add additional exemptions to 2013 Wisconsin Act 25's prohibition on release of customer information: in connection with a real estate transaction or an appraisal of real property, a real estate licensee or appraiser;
- 2) Require the PSC to create a standard customer consent form to be used by municipal utilities to obtain customer information for anyone outside the stated exceptions in the law within one month of publication of the law.

Please let me know if you have follow up questions or need more information from us.

Thanks,
Adam

Adam R. Field

Office of Rep. Dean Kaufert
Wisconsin State Assembly



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3544/1
MDK.....

~~Preliminary Draft - Not Ready For Introduction~~

eev

2013 BILL

IN 11-1
TODAY

D-NOTE

SAJ
vrep1

gen cat

1 AN ACT ~~relating to~~; **relating to:** releases of customer information by municipal utilities

2

~~and providing an exemption from rule-making procedures~~

Analysis by the Legislative Reference Bureau

that

Under current law, a municipal utility is generally prohibited from releasing "customer information," which is defined as any information received from customers ~~which~~ serves to identify customers individually by usage or account status. The prohibition, however, has several exceptions, including the following: 1) a release made with the consent of a customer; 2) a release to a title agent, insurer, * lender, mortgage broker, or attorney/that is made in connection with the preparation of real estate closing documents; and 3) a release to a lender or prospective purchaser that is made in connection with real property foreclosures.

This bill requires the Public Service Commission (PSC) to specify a form for a municipal utility to obtain a customer's consent to a release under the first exception described above. The bill allows the PSC to specify the form without promulgating rules. The bill also creates an exception allowing a municipal utility to release customer information in connection with real estate transactions and real property appraisals. Under the bill's new exception, a municipal utility may release customer information under such circumstances to licensed real estate brokers and salespersons, as well as to certified or licensed appraisers.

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

BILL

1 SECTION 1. 196.137 (2) (intro.) of the statutes, as created by 2013 Wisconsin Act
2 25, is amended to read:

3 196.137 (2) PROHIBITION. (intro.) A municipal utility may not release customer
4 information to any person except with the consent of the customer obtained on a form
5 specified under sub. (4), or except to any of the following:

History: 2013 a. 25, 47.

6 SECTION 2. 196.137 (2) (ap) of the statutes is created to read:

7 196.137 (2) (ap) In connection with a real estate transaction or appraisal of real
8 property, a real estate broker or salesperson licensed under ch. 452 or an appraiser
9 certified or licensed under ch. 458.

10 SECTION 3. 196.137 (4) of the statutes is created to read:

11 196.137 (4) CONSENT FORM. No later than the ^{first} 1st day of the 2nd month
12 beginning after the effective date of this subsection [LRB inserts date], the
13 commission shall specify a form for a municipal utility to obtain a customer's consent
14 to the release of customer information.

15 SECTION 4. 227.01 (13) (zv) of the statutes is created to read:

16 227.01 (13) (zv) Specifies the form required under s. 196.137 (4).

A.R. a.

17 SECTION 5. Initial applicability.

A.R. b.

18 (1) The treatment of section 196.137 (2) (intro.) of the statutes first applies to
19 consent obtained on the effective date of this subsection.

20 SECTION 6. Effective dates. This act takes effect on the day after publication,
21 except as follows:

22 (1) The treatment of section 196.137 (2) (intro.) of the statutes takes effect on
23 the first day of the 2nd month beginning after publication.

A.R. A.R.
and SECTION 5 (1)
of this act

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3544/1dn

MDK:f:....

Leev

date

Rep. Kaufert:

Please note the following about this bill:

1. The bill gives the PSC at least one month, and not more than ^{two} ~~2~~ months, to specify the form. Note that there is a short delay in the effective date to give the PSC time to specify the form. Also, because I assume you want the PSC to specify the form as soon as possible, I allowed the PSC to specify the form without going through rule-making procedures. Is that okay?
2. The exception for real estate transactions and appraisals applies only to real estate salespersons and brokers licensed under ch. 452 and appraisers licensed or certified under ch. 458. Is that okay?

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-3544/1dn
MDK:eev:jm

November 1, 2013

Rep. Kaufert:

Please note the following about this bill:

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2. The exception for real estate transactions and appraisals applies only to real estate salespersons and brokers licensed under ch. 452 and appraisers licensed or certified under ch. 458. Is that okay?

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

Rose, Stefanie

From: Field, Adam
Sent: Tuesday, November 05, 2013 2:01 PM
To: LRB.Legal
Subject: Draft Review: LRB -3544/1 Topic: Releases of municipal utility customer information

Please Jacket LRB -3544/1 for the ASSEMBLY.