

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0613/P4dn

EVM:sac:sac

October 21, 2013

ATTN: Rob Kovach

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. Please review s. 66.0809 (3m), as created in this draft. I have attempted to provide you with a lien provision that accomplishes what I believe is your intent – to officially indicate that there is a responsible party other than the person whose property is subject to a lien. However, because there is no property of the tenant's that is subject to a lien, I do not believe it can correctly be termed a lien against the tenant. The procedure created in this draft does not affect the property lien against the owner's property. It does, however, require the clerk of courts to indicate in the lien docket whether the tenant has or has not satisfied the lien. The indication that the tenant has not satisfied the lien is changed only when the clerk of courts receives a notification from either the municipality or the owner that the tenant has "satisfied the lien." Do you want to provide a procedure for having the indication of "not satisfied" removed from the lien docket when the utility and owner will not or can not provide the necessary statement? Also, because my familiarity with lien law and court operations is limited, you may wish to have someone familiar with court operations review this provision to ensure it will have the effect you intend. Please let me know if you want any changes to this provision.

2. I omitted the change indicated at s. 66.0809 (8). It does not appear likely that it will always, or even usually, be known whether sub. (5) applies at the time a request for connection is made. Is there a different triggering mechanism you would like to include?

3. Please review the language regarding PSC's cold weather moratorium at s. 66.0809 (5) bm. 3. and (6) (b). Administrative code sections are generally not included in the statutes because the numbering and content may be changed without the legislature's approval. I have attempted to describe the program to which you are deferring. Please let me know if you want any changes to these provisions.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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