

**2017 DRAFTING REQUEST****Assembly Substitute Amendment (ASA-AB78)**

For: **Jeremy Thiesfeldt (608) 266-3156** Drafter: **mkunkel**  
 By: **Jason Mugnaini (Sen. Cowles)** Secondary Drafters:  
 Date: **4/12/2017** May Contact:  
 Same as LRB: **s0036**

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

**Pre Topic:**

No specific pre topic given

**Topic:**

Water public utility financial assistance for replacing customer water service lines that contain lead

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mkunkel 4/12/2017	wjackson 4/12/2017	lparisi 4/12/2017	lparisi 4/12/2017	

FE Sent For:

<END>

## Kunkel, Mark

---

**From:** Mugnaini, Jason  
**Sent:** Tuesday, April 11, 2017 5:18 PM  
**To:** Kunkel, Mark; Kozar, Paulette  
**Cc:** Herkert, Toni; Ramirez, Zach  
**Subject:** Substitute amendment for AB 78

Mark,

Can you please send a companion amendment of LRBs0036/1 (SSA1 to SB48) to Rep. Thiesfeldt's office to be added to Assembly bill 78?

Thank you,

**Jason Mugnaini** Chief of Staff | Office of State Senator Robert Cowles  
(608) 266-0484 | (847) 722-0219 (Cell) | 118 South, State Capitol | <http://legis.wisconsin.gov/senate/02/cowles>





State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBs0036/1  
MDK:jld/amn/wj

O-NOTE

TODAY

**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 48**

ASA to  
AB 78

5004611  
ANNOT  
RUN

March 28, 2017 - Offered by Senator COWLES.

1 **AN ACT** *to renumber and amend* 66.0809 (3) (f); *to amend* 62.69 (2) (f), 66.0627  
2 (8) (a), 66.0627 (8) (b) and 66.0627 (8) (c); and *to create* 66.0627 (8) (ag), 66.0809  
3 (3) (f) 2., 196.37 (6) and 196.372 of the statutes; **relating to:** water public utility  
4 financial assistance and political subdivision loans for lead-containing  
5 customer-side water service lines.

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

6 **SECTION 1.** 62.69 (2) (f) of the statutes is amended to read:  
7 62.69 (2) (f) All water rates for water furnished to any building or premises, all  
8 payments owing on loans provided as financial assistance under s. 196.372 (2) to the  
9 owner of any building or premises, and the cost of repairing meters, service pipes,  
10 stops or stop boxes, are a lien on the lot, part of lot or parcel of land on which the  
11 building or premises is located. If any water rates, those loan payments, or bills for

1 the repairing of meters, service pipes, stops or stop boxes remain unpaid on October  
2 1, the unpaid rates, loan payments, or bills shall be certified to the city comptroller  
3 on or before November 1, and shall be placed by the comptroller upon the tax roll and  
4 collected in the same manner as other taxes on real estate are collected in the city.  
5 The charge for water supplied by the city in all premises where meters are attached  
6 and connected shall be at rates fixed by the commissioner of public works and for the  
7 quantity indicated by the meter. If the commissioner of public works determines that  
8 the quantity indicated by the meter is materially incorrect or if a meter has been off  
9 temporarily due to repairs, the commissioner shall estimate the quantity used, and  
10 the determination is conclusive. No water rate or rates duly assessed against any  
11 property may be remitted or changed except by the common council. Under this  
12 paragraph, if an unpaid charge or bill is for utility service furnished and metered by  
13 the waterworks directly to a mobile home unit in a licensed mobile home park, the  
14 delinquent amount is a lien on the mobile home unit rather than a lien on the parcel  
15 of real estate on which the mobile home unit is located. A lien on a mobile home unit  
16 may be enforced using the procedures under s. 779.48 (2).

17 **SECTION 2.** 66.0627 (8) (a) of the statutes is amended to read:

18 66.0627 (8) (a) A political subdivision may make a loan, or enter into an  
19 agreement regarding loan repayments to a 3rd party for owner-arranged or  
20 lessee-arranged financing, to an owner or lessee of a premises located in the political  
21 subdivision for making or installing an energy efficiency improvement, a water  
22 efficiency improvement, or a renewable resource application to the premises.

23 (am) If a political subdivision makes a loan or enters into an agreement under  
24 ~~this paragraph par. (a) or (ag)~~, the political subdivision may collect the loan  
25 repayment as a special charge under this section. Notwithstanding sub. (4), a special

1 charge imposed under this paragraph may be collected in installments and may be  
2 included in the current or next tax roll for collection and settlement under ch. 74 even  
3 if the special charge is not delinquent.

4 **SECTION 3.** 66.0627 (8) (ag) of the statutes is created to read:

5 66.0627 (8) (ag) A political subdivision may make a loan, or enter into an  
6 agreement regarding loan repayments to a 3rd party for owner-arranged financing,  
7 to an owner of a premises located in the political subdivision for the purpose of  
8 replacing customer-side water service lines, as defined in s. 196.372 (1) (a),  
9 containing lead.

10 **SECTION 4.** 66.0627 (8) (b) of the statutes is amended to read:

11 66.0627 (8) (b) A political subdivision that imposes a special charge under par.  
12 (a) (am) may permit special charge installments to be collected by a 3rd party that  
13 has provided financing for the improvement or application and may require that the  
14 3rd party inform the political subdivision if a special charge installment is  
15 delinquent.

16 **SECTION 5.** 66.0627 (8) (c) of the statutes is amended to read:

17 66.0627 (8) (c) An installment payment authorized under par. (a) (am) that is  
18 delinquent becomes a lien on the property that benefits from the improvement or  
19 application as of the date of delinquency. A lien under this paragraph has the same  
20 priority as a special assessment lien.

21 **SECTION 6.** 66.0809 (3) (f) of the statutes is renumbered 66.0809 (3) (f) (intro.)  
22 and amended to read:

23 66.0809 (3) (f) (intro.) In this subsection, ~~“metered”~~:

24 1. “Metered” means the use of any method to ascertain the amount of service  
25 used or the use of a flat rate billing method.

1           **SECTION 7.** 66.0809 (3) (f) 2. of the statutes is created to read:

2           66.0809 **(3)** (f) 2. "Utility service" includes loans provided as financial  
3 assistance under s. 196.372 (2).

4           **SECTION 8.** 196.37 (6) of the statutes is created to read:

5           196.37 **(6)** It is not unjust, unreasonable, insufficient, unfairly discriminatory,  
6 or preferential or otherwise unreasonable or unlawful for a water public utility to  
7 fund all or a portion of the cost of providing financial assistance under s. 196.372  
8 using revenue collected from charges applied to retail customers receiving service  
9 from the water public utility in the same city, village, or town in which the property  
10 for which the financial assistance is provided is located.

11           **SECTION 9.** 196.372 of the statutes is created to read:

12           **196.372 Financial assistance for lead-containing customer-side water**  
13 **service lines. (1) DEFINITIONS.** In this section:

14           (a) "Customer-side water service line" means the portion of a water service line  
15 owned by a property owner.

16           (b) "Financial assistance" means a grant, loan, or combination thereof.

17           (c) "Utility-side water service line" means the portion of a water service line  
18 owned by a water public utility.

19           **(2) FINANCIAL ASSISTANCE.** A water public utility may provide financial  
20 assistance to the owner of a property to which water utility service is provided for the  
21 purpose of assisting the owner in replacing customer-side water service lines  
22 containing lead if all of the following are satisfied:

23           (a) The city, town, or village in which the water public utility provides utility  
24 service to the property has enacted an ordinance that permits the water public utility  
25 to provide the financial assistance.

1 (b) The utility-side water service line and the water main pipe that are  
2 connected to the customer-side water service line meet one of the following  
3 conditions:

4 1. Do not contain lead.

5 2. The lead-containing portion of the utility-side water service line or water  
6 main pipe is replaced at the same time as the customer-side water service line is  
7 replaced.

8 (c) The commission has granted its approval under sub. (3).

9 **(3) COMMISSION APPROVAL.** (a) A water public utility seeking approval under  
10 sub. (2) (c) shall submit to the commission an application that includes a description  
11 of the proposed financial assistance, a description of the method for funding the  
12 financial assistance, and any other information relevant to the action requested by  
13 the commission.

14 (b) Upon receipt of a complete application, the commission shall investigate the  
15 application. The investigation may be with or without public hearing. If the  
16 commission conducts a public hearing, the public hearing shall be upon such notice  
17 as the commission may require.

18 (c) If a hearing is held on an application, the commission shall take final action  
19 on the application within 180 days after the commission issues a notice of hearing  
20 on the application. The chairperson of the commission may extend the time period  
21 for an additional 180 days for good cause. If the commission fails to take final action  
22 within the initial 180-day period, or the extended 180-day time period, the  
23 commission is considered to have granted its approval.

24 (d) If a hearing is not held on an application, the commission shall take final  
25 action on the application within 90 days after the commission issues a notice opening

1 a docket on the application. The chairperson of the commission may extend the time  
2 period for an additional 90 days for good cause. If the commission fails to take final  
3 action within the initial 90-day period, or the extended 90-day time period, the  
4 commission is considered to have granted its approval.

5 (e) If the commission finds that the actions described in the application are  
6 reasonable, it shall grant its approval in writing.

7 (END)



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

LRBs0046/1dn  
MDK:...

WJ

Date

Rep. Thiesfeldt:

This substitute amendment is identical to SSA1 to SB-48.

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

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

LRBs0046/1dn  
MDK:wlj

April 12, 2017

Rep. Thiesfeldt:

This substitute amendment is identical to SSA1 to SB-48.

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