

1979 Assembly Bill 878

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CHAPTER 171, Laws of 1979

AN ACT to renumber and amend 196.85 (2) (a); to amend 15.79, 196.67 (1) and (2) and 196.85 (1), (3), (4) (a) and (5) of the statutes, relating to the financial interest of members of the public service commission, warning signs for electric lines and assessment of costs of commission investigations of sewerage systems. (Suggested as remedial legislation by the public service commission.)

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

SECTION 1. 15.79 of the statutes is amended to read:

15.79 Public service commission; creation. There is created a public service commission. No member of the commission may have a financial interest in a railroad, or public utility or motor carrier. If any member voluntarily becomes so interested, his the member's office thereby shall become vacant. If he the member involuntarily becomes so interested, he shall divest the member's office shall become vacant unless the member divests himself or herself of such the interest within a reasonable time; failing to do so, his office shall become vacant. No commissioner may serve on or under any committee of a political party. Each commissioner shall hold office until his a successor is appointed and qualified.

SECTION 2. 196.67 (1) and (2) of the statutes are amended to read:

196.67 (1) ~~Every corporation, company or~~ Any person constructing, operating or maintaining an ~~electric transmission overhead electrical supply~~ line with a voltage of ~~six thousand 6,000~~ or more between conductors or between conductors and the ground shall place warning signs, ~~not less than four feet nor more than six feet~~ from 4 to 6 feet above the ground, upon all poles or other structures supporting such the line ~~when within one hundred:~~

(a) Within 100 feet of school grounds; and when within one hundred

(b) Within 100 feet of any place where such the line crosses a public highway; and ~~when within~~

(c) Within any city or village.

(2) ~~Every such sign shall be in red, black, orange or reflective letters not less than 2 inches high on a contrasting background and shall read "Danger — High Voltage." The commission may shall establish standards for electric transmission line pole signs having at least equivalent warning qualities to signs specified in this subsection, and warning signs meeting standards established or approved by the commission shall be deemed to be in compliance with this section~~ warning signs on overhead electrical supply line poles and structures.

SECTION 3. 196.85 (1) of the statutes is amended to read:

196.85 (1) ~~Whenever~~ ~~If~~ the commission in a proceeding upon its own motion, on complaint, or upon an application to it deems it necessary in order to carry out the duties imposed upon it by law to investigate the books, accounts, practices and activities of, or make appraisals of the property of any public utility, power district or sewerage ~~district system~~ or to render any engineering or accounting services to any public utility, power district or sewerage ~~district, such system, the public utility, power district or sewerage district system~~ shall pay the expenses attributable to ~~such the investigation, including the cost of litigation, appraisal or service. The commission shall ascertain such expenses, and shall send mail a bill therefor, by mail, for the expenses to the public utility, power district or sewerage district, system~~ either at the conclusion of the investigation, appraisal or services, or during its progress, ~~which. The bill shall constitute~~ constitutes notice of the assessment and demand of payment ~~thereof. If sent a bill, the. The public utility, power district or sewerage district system~~ shall, within 30 days after the mailing of the bill pay to the commission the amount of the special expense for which it is billed, ~~and the. The payment when made shall be credited to the appropriation to the commission in s. 20.155 (1) (g).~~ The total amount, in any one calendar year, for which any public utility, power district or sewerage ~~district shall become~~ system is liable, by reason of costs incurred by the commission within ~~such the~~ calendar year including charges under s. 184.10 (3), ~~shall may~~ not exceed four-fifths of one percent of its gross operating revenues derived from intrastate operations in the last preceding calendar year. Nothing in this subsection shall prevent the commission from rendering bills in one calendar year for costs incurred within a previous year.

SECTION 4. 196.85 (2) (a) of the statutes is renumbered 196.85 (2) and amended to read:

196.85 (2) The commission shall annually, within 90 days of the commencement of each fiscal year, ascertain the total of its expenditures during the prior fiscal year which are reasonably attributable to the performance of its duties relating to public utilities, sewerage ~~districts systems~~ and power districts under chs. 66, 184, 196 and 198, ~~and. The commission shall deduct therefrom from this total all amounts chargeable to public utilities, sewerage districts systems and power districts under sub. (1) and s. 184.10 (3). A The commission shall assess a sum equal to the remainder plus 10% of the remainder shall be assessed by the commission to the several public utilities and power districts in proportion to their respective gross operating revenues during the last calendar year, derived from intrastate operations. If, at the time of payment, it is determined that the prior year's expenditures made under this section exceeded the payment made under this section in the prior year, the commission shall charge the remainder shall be charged to the several public utilities and power districts in proportion to their gross operating revenues during the last calendar year. If, at the time of payment it is determined that the prior year's expenditures made under this section were less than the payment made under this section in the prior year, the commission shall credit the difference shall be credited to the current year's payment. Such The assessment shall be paid within 30 days after the bill has been mailed to the several public utilities and power districts, which shall constitute. The bill constitutes notice of the assessment and demand of payment thereof. When paid, the assessment. The payment shall be credited to the appropriation made in s. 20.155 (1) (g).~~

SECTION 5. 196.85 (3), (4) (a) and (5) of the statutes are amended to read:

196.85 (3) If any public utility, sewerage ~~district system~~ or power district ~~against which a bill has been rendered either is billed under sub. (1) or (2); and fails to pay the bill within 30 days after the rendering of the bill neglects or refuses to pay the bill, or fails to file objections to the bill with the commission, as provided in this subsection, the public service~~ commission shall transmit to the state treasurer a certified copy of the bill, together with notice of ~~neglect or refusal~~ failure to pay the bill, and on the same day the

commission shall mail by registered mail to the public utility, sewerage ~~district system~~ or power district ~~against which the bill has been rendered~~ a copy of the notice which it has transmitted to the state treasurer. Within 10 days after the receipt of notice and certified copy of the bill the state treasurer shall ~~proceed to levy~~ the amount stated on the bill to be due, with interest, by distress and sale of any ~~goods and chattels~~ property, including stocks, securities, bank accounts, evidences of debt, and accounts receivable belonging to the delinquent public utility, sewerage district system or power district. ~~Such~~ The levy by distress and sale shall be governed by s. 74.10 except that it shall be made by the state treasurer and that goods and chattels anywhere within the state may be levied upon.

(4) (a) Within 30 days after the date of the mailing of any bill under subs. (1) and (2) the public utility, sewerage ~~district system~~ or power district ~~against which the bill has been rendered~~ that has been billed may file with the commission objections setting out in detail the grounds upon which the objector regards the bill to be excessive, erroneous, unlawful or invalid. The commission, after notice to the objector, shall hold a hearing upon ~~such the~~ the objections, ~~not less than 5 nor more than~~ from 5 to 10 days after ~~such~~ providing the notice. If after the hearing the commission finds any part of the bill to be excessive, erroneous, unlawful or invalid it shall record its findings upon its minutes and transmit to the objector by registered mail an amended bill, in accordance with ~~such the~~ the findings. ~~Such~~ The amended bill shall have ~~in all ways~~ the same force and effect under this section as an original bill rendered under subs. (1) and (2).

(5) No suit or proceeding may be maintained in any court ~~for the purpose of restraining or in any wise delaying to~~ restrain or delay the collection or payment of any bill rendered under subs. (1) and (2) ~~of this section~~. Every public utility, sewerage ~~district system~~ or power district ~~against which a bill is rendered~~ that is billed shall pay the amount ~~thereof of the bill~~, and after ~~such~~ payment may in the manner provided under this section, at any time within 2 years from the date the payment was made, sue the state ~~in an action at law~~ to recover the amount paid ~~with legal~~ plus interest ~~thereon~~ from the date of payment, upon the ground that the assessment was excessive, erroneous, unlawful or invalid in whole or in part. ~~If it is finally determined in such action~~ the court finds that any part of the bill for which payment was made was excessive, erroneous, unlawful or invalid, the state treasurer shall make a refund to the claimant as directed by the court, ~~which~~. The refund shall be charged to the appropriations to the commission.
