

State of Wisconsin



2017 Senate Bill 48

Date of enactment: **February 21, 2018**
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2017 WISCONSIN ACT 137

AN ACT *to renumber and amend* 66.0809 (3) (f); *to amend* 62.69 (2) (f), 66.0627 (8) (a), 66.0627 (8) (b), 66.0627 (8) (c) and 66.0901 (11) (b); and *to create* 66.0627 (8) (ag), 66.0809 (3) (f) 2., 196.20 (8), 196.37 (6) and 196.372 of the statutes; **relating to:** water public utility financial assistance and political subdivision loans for lead-containing customer-side water service lines.

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

SECTION 1. 62.69 (2) (f) of the statutes is amended to read:

62.69 (2) (f) All water rates for water furnished to any building or premises, all payments owing on loans provided as financial assistance under s. 196.372 (2) to the owner of any building or premises, and the cost of repairing meters, service pipes, stops or stop boxes, are a lien on the lot, part of lot or parcel of land on which the building or premises is located. If any water rates, those loan payments, or bills for the repairing of meters, service pipes, stops or stop boxes remain unpaid on October 1, the unpaid rates, loan payments, or bills shall be certified to the city comptroller on or before November 1, and shall be placed by the comptroller upon the tax roll and collected in the same manner as other taxes on real estate are collected in the city. The charge for water supplied by the city in all premises where meters are attached and connected shall be at rates fixed by the commissioner of public works and for the quantity indicated by the meter. If the commissioner of public works determines that the quantity indicated by the meter is materially incorrect or if a meter has been off temporarily due to repairs, the commissioner shall estimate the quantity used, and the

determination is conclusive. No water rate or rates duly assessed against any property may be remitted or changed except by the common council. Under this paragraph, if an unpaid charge or bill is for utility service furnished and metered by the waterworks directly to a mobile home unit in a licensed mobile home park, the delinquent amount is a lien on the mobile home unit rather than a lien on the parcel of real estate on which the mobile home unit is located. A lien on a mobile home unit may be enforced using the procedures under s. 779.48 (2).

SECTION 2. 66.0627 (8) (a) of the statutes, as affected by [2017 Wisconsin Act 70](#), is amended to read:

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

(am) If a political subdivision makes a loan or enters into an agreement under ~~this paragraph~~ **par. (a) or (ag)**, the political subdivision may collect the loan repayment

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

as a special charge under this section. Notwithstanding sub. (4), a special charge imposed under this paragraph may be collected in installments and may be included in the current or next tax roll for collection and settlement under ch. 74 even if the special charge is not delinquent. If a political subdivision makes a loan, or enters into an agreement regarding loan repayments to a 3rd party, for a brownfield revitalization project under ~~this paragraph~~ par. (a), the repayment period may exceed 20 years.

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

66.0627 (8) (ag) 1. Subject to subd. 2., a political subdivision may make a loan, or enter into an agreement regarding loan repayments to a 3rd party for owner-arranged financing, to an owner of a premises located in the political subdivision for the purpose of replacing customer-side water service lines, as defined in s. 196.372 (1) (a), containing lead.

2. If a political subdivision makes a loan under subd. 1., the political subdivision shall require each owner of a premises located in the political subdivision that is serviced by a customer-side water service line, as defined in s. 196.372 (1) (a), containing lead to replace that customer-side water service line.

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

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

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

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

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

66.0809 (3) (f) (intro.) In this subsection, ~~“metered”~~:
1. “Metered” means the use of any method to ascertain the amount of service used or the use of a flat rate billing method.

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

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

SECTION 8. 66.0901 (11) (b) of the statutes is amended to read:

66.0901 (11) (b) ~~–A– Except for work ancillary to replacing a utility-side water service line, as defined in s. 196.372 (1) (c), containing lead that is performed with the consent of a private property owner and that does not~~

involve replacing the customer-side water service line, as defined in s. 196.372 (1) (a), containing lead, a political subdivision may not use its own workforce to perform a construction project for which a private person is financially responsible.

SECTION 9. 196.20 (8) of the statutes is created to read:

196.20 (8) (a) In this subsection, “financial assistance” has the meaning described in s. 196.372 (2).

(b) The revenue collected from charges applied to a class of customers to fund financial assistance may not exceed an amount equal to the financial assistance received by the class.

SECTION 10. 196.37 (6) of the statutes is created to read:

196.37 (6) A water public utility may fund all or a portion of the cost of providing financial assistance under s. 196.372 using revenue collected from charges applied to retail customers receiving service from the water public utility in the same city, village, or town in which the property for which the financial assistance is provided is located.

SECTION 11. 196.372 of the statutes is created to read:
196.372 Financial assistance for lead-containing customer-side water service lines. (1) DEFINITIONS. In this section:

(a) “Customer-side water service line” means the portion of a water service line owned by a property owner.

(b) “Financial assistance” means a grant, loan, or combination thereof.

(c) “Utility-side water service line” means the portion of a water service line owned by a water public utility.

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

(a) The city, town, or village in which the water public utility provides utility service to the property has enacted an ordinance that permits the water public utility to provide the financial assistance and requires each owner of a premises located in the city, town, or village that is serviced by a customer-side water service line containing lead to replace that customer-side water service line.

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

1. Do not contain lead.

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

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

(3) COMMISSION APPROVAL. (a) A water public utility seeking approval under sub. (2) (c) shall submit to the commission an application that includes a description of the proposed financial assistance, a description of the method for funding the financial assistance, a description of the customers served by the water public utility that would be eligible for financial assistance, and any other information relevant to the action requested by the commission.

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

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

(d) If a hearing is not held on an application, the commission shall take final action on the application within 90 days after the commission issues a notice opening a docket on the application. The chairperson of the commission may extend the time period for an additional 90

days for good cause. If the commission fails to take final action within the initial 90-day period, or the extended 90-day time period, the commission is considered to have granted its approval.

(e) 1. Except as provided in subds. 2. and 3., if the commission finds that the actions described in the application are not unjust, unreasonable, or unfairly discriminatory, it shall grant its approval in writing.

2. The commission may not approve an application under subd. 1. unless the application satisfies all of the following conditions:

a. Grants that are provided as financial assistance to an owner are limited to no more than one-half of the total cost to the owner of replacing the customer-side water service line containing lead.

b. Any loan provided may not be forgiven by the water public utility or the municipality.

3. The commission may not approve an application under subd. 1. unless the application satisfies one of the following conditions:

a. If the water public utility intends to provide financial assistance as a percentage of the cost of replacing the customer-side water service line containing lead, that percentage is the same for each owner in a class of customers.

b. If the water public utility intends to provide financial assistance as a specific dollar amount, that dollar amount is the same for each owner in a class of customers.

