



2005 SENATE BILL 170

April 13, 2005 - Introduced by Senators DARLING, GROTHMAN, ROESSLER, REYNOLDS and LAZICH, cosponsored by Representatives JESKEWITZ, NASS, PETROWSKI, TOWNSEND, VAN ROY, AINSWORTH, VOS, NERISON and F. LASEE. Referred to Committee on Energy, Utilities and Information Technology.

1 **AN ACT** *to renumber and amend* 66.0809 (4); *to amend* 66.0809 (5) (a) 1.; and
2 *to create* 66.0809 (4) (bm) and 66.0809 (6) of the statutes; **relating to:** electric
3 service provided by municipal utilities to rental dwellings.

Analysis by the Legislative Reference Bureau

Generally, under current law, a municipal utility is allowed to collect arrearages for utility service provided to lots or parcels of real estate by providing, on October 15, a written notice of payment due to the owner or occupant of the real estate. The notice must specify the amount of the arrearage and any penalty and must state the following: 1) that, if payment is not received by November 1, an additional penalty will be assessed; and 2) that, if payment is not received by November 15, the arrearage amount and any penalties will become a lien on the property that will be collected as a tax on the property.

Also under current law, if a municipal utility provides electric or water service to a rental dwelling unit, and the owner of the property provides the municipal utility with the name and address of the tenant who is responsible for paying for the service, the municipal utility may use the procedure described above only if the municipal utility follows certain additional procedures for notifying both the owner and the tenant about any payments that are past due.

This bill creates an additional requirement that must be satisfied for a municipal utility to use the procedures described above to collect arrearages for electric service provided to a rental dwelling unit. Under the bill, the municipal utility may use the procedures only if the owner of the real estate provides the

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municipal utility with the owner’s prior written consent to the municipal utility’s use of the procedures.

The bill also allows a municipal utility that provides electric service to a customer who is a tenant of a rental dwelling unit to require the customer to pay an advance as a condition of receiving the service. A municipal utility must deposit such an advance into an interest-bearing account. The bill also provides that, when a customer terminates electric service, the municipal utility must return the advance and accrued interest, less any deduction for unpaid electric utility bills, to the customer within 21 days after the date that service is terminated.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.0809 (4) of the statutes is renumbered 66.0809 (4) (am) and
2 66.0809 (4) (am) (intro.), as renumbered, is amended to read:

3 66.0809 (4) (am) (intro.) ~~A~~ Except as provided in par. (bm), a municipal utility
4 may use the procedures under sub. (3) to collect arrearages for electric service only
5 if one of the following applies:

6 **SECTION 2.** 66.0809 (4) (bm) of the statutes is created to read:

7 66.0809 (4) (bm) A municipal utility may use the procedures under sub. (3) to
8 collect arrearages for electric service that is provided to a rental dwelling unit only
9 if the owner of the rental dwelling unit has provided the municipal utility with the
10 owner’s prior written consent to the municipal utility’s use of the procedures.

11 **SECTION 3.** 66.0809 (5) (a) 1. of the statutes is amended to read:

12 66.0809 (5) (a) 1. Water or electric utility service is provided to a rental dwelling
13 unit and, if electric service is provided, the owner of the rental dwelling unit has
14 provided the consent described in sub. (4) (bm).

15 **SECTION 4.** 66.0809 (6) of the statutes is created to read:

