



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1756/1
KP:kms

2023 ASSEMBLY BILL 457

September 28, 2023 - Introduced by Representatives SCHRAA, MOSES, ALLEN and BRANDTJEN, cosponsored by Senators FEYEN and BALLWEG. Referred to Committee on Energy and Utilities.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to renumber and amend** 66.0821 (2) (b); **to amend** 66.0821 (4) (a),
2 66.0821 (4) (c), 196.01 (5) (a) 1., 196.03 (1), 196.60 (1) (a) and 196.604; and **to**
3 **create** 66.0821 (2) (b) 2. and 196.01 (5) (a) 1r. of the statutes; **relating to:**
4 authorizing the Public Service Commission to regulate storm water utilities.

Analysis by the Legislative Reference Bureau

This bill subjects municipal storm water utilities to the full authority of the Public Service Commission to regulate rates and services. Current law authorizes municipalities to construct and operate systems for collecting, transporting, pumping, treating, or disposing storm water and surface water and to establish service charges to meet the costs of any of the following requirements of such a system: constructing, reconstructing, improving, extending, operating, maintaining, repairing, or depreciating the system or paying the principal and interest of any indebtedness incurred for the system. Under current law, municipal storm water utilities are generally not subject to PSC's jurisdiction, except for addressing complaints by users that municipal storm water utility rates, rules, or practices are unreasonable or unjustly discriminatory.

For further information see the state and 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:

ASSEMBLY BILL 457**SECTION 1**

1 **SECTION 1.** 66.0821 (2) (b) of the statutes is renumbered 66.0821 (2) (b) 1. and
2 amended to read:

3 66.0821 (2) (b) 1. The Except as provided in subd. 2., the governing body of a
4 municipality, and the officials in charge of the management of the sewerage system
5 as well as other officers of the municipality, are governed in the discharge of their
6 powers and duties under this section by ss. 66.0809 to 66.0813 or 62.69 (2) (f), to the
7 extent consistent with this section, or, in the case of a metropolitan sewerage district
8 created under ss. 200.21 to 200.65, by ss. 200.55 and 200.59.

9 **SECTION 2.** 66.0821 (2) (b) 2. of the statutes is created to read:

10 66.0821 (2) (b) 2. The public service commission has jurisdiction over the rates
11 and services of a municipal storm water utility, and a municipal storm water utility
12 is subject to ss. 66.0809 to 66.0813 or 62.69 (2) (f) to the extent consistent, as
13 determined by the public service commission, with this section and ch. 196.

14 **SECTION 3.** 66.0821 (4) (a) of the statutes is amended to read:

15 66.0821 (4) (a) The Subject to sub. (2) (b) 2., the governing body of the
16 municipality may establish sewerage service charges in an amount to meet all or part
17 of the requirements for the construction, reconstruction, improvement, extension,
18 operation, maintenance, repair, and depreciation of the sewerage system, and for the
19 payment of all or part of the principal and interest of any indebtedness incurred for
20 those purposes, including the replacement of funds advanced by or paid from the
21 general fund of the municipality. Service charges made by a metropolitan sewerage
22 district to any town, village, or city shall be levied by the town, village, or city against
23 the individual sewer system users within the corporate limits of the municipality,
24 and the municipality shall collect the charges and promptly remit them to the
25 metropolitan sewerage district. Delinquent charges shall be collected in accordance

ASSEMBLY BILL 457**SECTION 3**

1 with sub. (4) (d). The governing body of a municipality may not establish any charge
2 under this paragraph that is not related to providing sewerage service.

3 **SECTION 4.** 66.0821 (4) (c) of the statutes is amended to read:

4 66.0821 (4) (c) ~~For~~ Subject to sub. (2) (b) 2., for the purpose of making equitable
5 charges for all services rendered by a storm water and surface water sewerage
6 system to users, the property served may be classified, taking into consideration the
7 volume or peaking of storm water or surface water discharge that is caused by the
8 area of impervious surfaces, topography, impervious surfaces and other surface
9 characteristics, extent and reliability of mitigation or treatment measures available
10 to service the property, apart from measures provided by the storm water and surface
11 water sewerage system, and any other considerations that are reasonably relevant
12 to a use made of the storm water and surface water sewerage system. The charges
13 may also include standby charges to property not yet developed with significant
14 impervious surfaces for which capacity has been made available in the storm water
15 and surface water sewerage system. No additional charges, beyond those charged
16 to similar properties, may be charged to a property for services rendered by a storm
17 and surface water system for a property that continually retains 90 percent of the
18 difference between the post-development and predevelopment runoff on site.

19 **SECTION 5.** 196.01 (5) (a) 1. of the statutes is amended to read:

20 196.01 (5) (a) 1. Any person engaged in the transmission or delivery of natural
21 gas for compensation within this state by means of pipes or mains ~~and any,~~

22 1g. Any person, excluding, except as provided in subd. 1r., a governmental unit,
23 who furnishes services by means of a sewerage system either directly or indirectly
24 to or for the public.

25 **SECTION 6.** 196.01 (5) (a) 1r. of the statutes is created to read:

ASSEMBLY BILL 457**SECTION 6**

1 196.01 (5) (a) 1r. A municipal storm water utility.

2 **SECTION 7.** 196.03 (1) of the statutes is amended to read:

3 196.03 (1) Subject to s. 196.63, a public utility shall furnish reasonably
4 adequate service and facilities. The charge made by any public utility for any heat,
5 light, water, storm water service, telecommunications service, or power produced,
6 transmitted, delivered, or furnished or for any service rendered or to be rendered in
7 connection therewith shall be reasonable and just and every unjust or unreasonable
8 charge for such service is prohibited and declared unlawful.

9 **SECTION 8.** 196.60 (1) (a) of the statutes is amended to read:

10 196.60 (1) (a) No public utility and no agent, as defined in s. 196.66 (3) (a), or
11 officer of a public utility, directly or indirectly, may charge, demand, collect or receive
12 from any person more or less compensation for any service rendered or to be rendered
13 by it in or affecting or relating to the production, transmission, delivery or furnishing
14 of heat, light, water, storm water service, or power or for any service in connection
15 therewith, than that prescribed in the published schedules or tariffs then in force,
16 or established under this chapter, or than it charges, demands, collects or receives
17 from any other person for a like contemporaneous service.

18 **SECTION 9.** 196.604 of the statutes is amended to read:

19 **196.604 Rebates, concessions and discriminations unlawful.** No person
20 may knowingly solicit, accept, or receive any rebate, concession, or discrimination
21 from a public utility for any service in or affecting or relating to the production,
22 transmission, delivery, or furnishing of heat, light, water, storm water service, or
23 power within this state or for any connected service whereby the service is rendered
24 or is to be rendered free or at a rate less than the rate named in the schedules and
25 tariffs in force, or whereby any other service or advantage is received. Any person

