



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1576/2
KP:kms&amn

2023 SENATE BILL 455

September 29, 2023 - Introduced by Senators FEYEN, BALLWEG and FELZKOWSKI, cosponsored by Representatives SCHRAA, MOSES, BRANDTJEN and ALLEN. Referred to Committee on Utilities and Technology.

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 other than metropolitan sewerage districts 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:

SENATE BILL 455**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. This
14 subdivision does not apply to a metropolitan sewerage district created under ss.
15 200.21 to 200.65.

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

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

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1 and the municipality shall collect the charges and promptly remit them to the
2 metropolitan sewerage district. Delinquent charges shall be collected in accordance
3 with sub. (4) (d). The governing body of a municipality may not establish any charge
4 under this paragraph that is not related to providing sewerage service.

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

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

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

22 196.01 (5) (a) 1. Any person engaged in the transmission or delivery of natural
23 gas for compensation within this state by means of pipes or mains ~~and any~~.

SENATE BILL 455**SECTION 5**

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

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

5 196.01 (5) (a) 1r. A municipal storm water utility other than a metropolitan
6 sewerage district created under ss. 200.21 to 200.65.

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

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

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

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

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

24 **196.604 Rebates, concessions and discriminations unlawful.** No person
25 may knowingly solicit, accept, or receive any rebate, concession, or discrimination

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1 from a public utility for any service in or affecting or relating to the production,
2 transmission, delivery, or furnishing of heat, light, water, storm water service, or
3 power within this state or for any connected service whereby the service is rendered
4 or is to be rendered free or at a rate less than the rate named in the schedules and
5 tariffs in force, or whereby any other service or advantage is received. Any person
6 violating this section shall be fined not less than \$50 nor more than \$5,000 for each
7 offense.

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(END)