

2003 DRAFTING REQUEST

Bill

Received: **08/01/2003**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Thomas Reynolds (608) 266-2512**

By/Representing: **Steve Krieser**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters: **mshovers**

Subject: **Elections - miscellaneous
Munis - sewerage districts**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Reynolds@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Milwaukee Metropolitan Sewerage District restructuring

Instructions:

Per attached E mail.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 09/18/2003 mshovers 10/21/2003	csicilia 11/12/2003		_____			Local
/1			chaugen 11/12/2003	_____	Inorthro 11/12/2003	Inorthro 12/09/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

Alfredo

<END>

2003 DRAFTING REQUEST

Bill

Received: 08/01/2003

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Thomas Reynolds (608) 266-2512

By/Representing: Steve Krieser

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters: mshovers

Subject: Elections - miscellaneous
Munis - sewerage districts

Extra Copies:

Submit via email: YES

Requester's email: Sen.Reynolds@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Milwaukee Metropolitan Sewerage District restructuring

Instructions:

Per attached E mail.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 09/18/2003 mshovers 10/21/2003	csicilia 11/12/2003					Local
/1			chaugen 11/12/2003		lnorthro 11/12/2003		

*Jacket
Per
Steve
for Senate*

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 08/01/2003

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Thomas Reynolds (608) 266-2512

By/Representing: Steve Krieser

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters: mshovers

Subject: Elections - miscellaneous
Munis - sewerage districts

Extra Copies:

Submit via email: YES

Requester's email: Sen.Reynolds@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Milwaukee Metropolitan Sewerage District restructuring

Instructions:

Per attached E mail.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	jkuesel	1 cjs	11/12	11/12			
1?	MES	10/21/03	03	W	11/12		

FE Sent For:

<END>

Kuesel, Jeffery

From: Shovers, Marc
Sent: Wednesday, July 30, 2003 6:17 PM
To: Kuesel, Jeffery
Subject: FW: MMSD Restructuring Drafting Request (Please Review)

Hi Jeff:

Would this one be yours, or do you think I should do it?

Marc

-----Original Message-----

From: Krieser, Steve
Sent: Thursday, July 24, 2003 4:58 PM
To: Shovers, Marc
Subject: MMSD Restructuring Drafting Request (Please Review)

I am submitting a drafting request on behalf of Senator Tom Reynolds that would convert the 11-member appointed Metropolitan Milwaukee Sewerage District commission to an elected commission with the same number of members.

✓ Districts

The bill should provide that the Milwaukee Metropolitan Sewerage District will be apportioned into eleven electoral districts. Each district shall bear a unique whole number between 1 and 11. Each elected district representative shall be known as a "commissioner."

✓ Initial Apportionment

Each district shall contain equal numbers of people, using generally-accepted standards for assuring equal apportionment. Districts shall be drawn giving due consideration to the need for contiguity and compactness of area, the maintenance of the integrity of political subdivisions and of communities of interest, and competitive districts. Island territory (territory belonging to a city, town or village but not contiguous to the main part thereof) shall be treated as a contiguous part of its municipality.

✓ The initial districts shall be drawn by a joint committee of the Legislature to be known as the "Joint Committee for MMSD Districting." The committee shall consist of four members of the majority caucus from each house, and one member of the minority caucus from each house. At least six of the members shall represent legislative districts that include at least a portion of the MMSD. Members shall be appointed by the leaders of their respective caucuses. The final work product of the committee shall be introduced as regular session legislation in each house and shall be considered by each house within 45 days of introduction. The joint committee shall be disbanded after the Governor approves the enrolled bill.

✓ Subsequent Reapportionment

Subsequent reapportionments shall be undertaken by the elected MMSD commission, at each decennial federal census. This reapportionment shall not require legislative approval.

✓ Terms of Service and Dates of Election

Commissioners shall serve staggered 2-year terms, with commissioners from even-numbered districts facing election in even-numbered years, and commissioners from odd-numbered districts will face election in odd-numbered years. Commissioners shall be elected in nonpartisan elections at the spring primary and general elections.

✓ Powers of the MMSD Commission

Commissioners shall select a commissioner from their membership to serve as the chairperson of the Commission. The chairperson shall serve in that capacity until the new commission organizes itself after each election, or until a new chairperson is selected in mid-term by a simple majority vote of those commissioners present. The powers and duties of

.the Commission shall be unchanged from its current powers and duties.

I hope this is relatively clear. Please feel free to contact me if you require any clarification or if there are issues I have not addressed in this request.

Steve Krieser
Office of State Senator Tom Reynolds
5th Senate District
Chief of Staff

Clerk, Committee on Labor, Small Business Development and Consumer Affairs

Phone: 608-266-2512 Fax: 608-267-0367

Toll-Free: 866-817-6061

Web: <http://www.senreynolds.com>



Krieser, Steve.vcf

2003

Date (time) needed

DN OPE

LRB -

3055, 1

BILL

WED. PM. if possible

JAMES:

CS

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] to repeal...; to renumber...; to consolidate and renumber...; to renumber and amend...; to consolidate, renumber and amend...; to amend...; to repeal and recreate...; and to create... of the

statutes; relating to:

governance of metropolitan sewerage districts created by first class cities

1st

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create -> anal: -> title: -> head

For the subheading, execute: create -> anal: -> title: -> sub

For the sub-subheading, execute:

For the analysis text, in the component bar:

For the text paragraph, execute:

LPS:

new changes are in blue and green ball point pen ink and flagged w/ stickies.

attached

The people of the state of Wisconsin do enact as follows:

ssem-

SECTION #.

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3055/lins
JTK.....

SECTION 1. 5.15 (1) (c) of the statutes is amended to read:

5.15 (1) (c) The wards established by municipal governing bodies under this section on the basis of the published results of each federal decennial census of population shall govern the adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on January 1 of the 2nd year commencing after the year of the census until revised under this section on the basis of the results of the next decennial census of population unless adjusted under sub. (2) (f) 4. [✓] or 6., (6) (a) or (7), or unless adjusted, as a matter of statewide concern, in the enactment of legislative districts under article IV, section 3, of the constitution on the basis of the most recent decennial census of population.

History: 1971 c. 304 ss. 3 to 5, 29 (2); 1977 c. 26, 418, 427, 449; 1979 c. 260; 1981 c. 4 ss. 2 to 10, 18; 1981 c. 314; 1983 a. 29, 192, 442; 1983 a. 484 ss. 8e, 174; 1983 a. 538; 1985 a. 304 ss. 8 to 10, 12; 1987 a. 391; 1991 a. 5, 143, 315; 1993 a. 213; 1995 a. 201; 1999 a. 182.

SECTION 2. 5.15 (2) (f) 6. of the statutes is created to read:

5.15 (2) (f) 6. That part of a metropolitan sewerage district created under s. 200.23 required to create a subdistrict under s. ~~200.23 (2) (a) or (2) (b)~~ ^{200.25 (7) (a)} that has a population which is, as nearly as practicable, equal to other subdistricts in the metropolitan sewerage district.

SECTION 3. 5.58 (2m) of the statutes is amended to read:

5.58 (2m) METROPOLITAN SEWERAGE COMMISSION. Except as authorized in s. 5.655, there shall be a separate ballot for members of the metropolitan sewerage commission in any metropolitan sewerage district created under s. 200.23 and in other districts if commissioners are elected under s. 200.09 (11) (am), with [⊙] In districts created under s. 200.23, the ballot shall list the names of the candidates for metropolitan sewerage commissioner from the subdistrict for the ward or election

district in which the ballot is used. In other districts, the names of the candidates for different seats shall be listed in separate columns or rows if more than one seat is contested at any election. Arrangement of the names on the ballot shall be determined by the board, except that in metropolitan sewerage districts created under s. 200.23, arrangement of the names on the ballot shall be determined by the secretary of the metropolitan sewerage district.

History: 1971 c. 304 ss. 6 to 8, 29 (2); 1973 c. 134, 243; 1973 c. 334 s. 57 (2); 1973 c. 340; 1975 c. 93; 1977 c. 187, 272, 445, 449; 1979 c. 32, 221, 260; 1981 c. 20, 377; 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29 s. 3202 (56); 1985 a. 89, 225; 1985 a. 304 ss. 27, 27m, 155; 1989 a. 192, 290; 1991 a. 5; 1993 a. 266; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 201, 219; 1997 a. 35; 1999 a. 150 s. 672; 1999 a. 182; 2003 a. 24 ss. 3, 4.

SECTION 4. 5.60 (4m) of the statutes is amended to read:

5.60 (4m) METROPOLITAN SEWERAGE COMMISSION. A separate ballot shall list the names of all candidates for the metropolitan sewerage commission seats in metropolitan sewerage districts created under s. 200.23, and in other districts, if commissioners are elected under s. 200.09 (11) (am), except as authorized in s. 5.655. The In districts created under s. 200.23, the ballot shall list the names of the candidates for metropolitan sewerage commissioner from the subdistrict for the ward or election district in which the ballot is used. In other districts, the names of the candidates for the different seats shall be placed in separate columns or rows if more than one seat is contested at any election.

History: 1971 c. 304 ss. 9 to 11, 29 (2); 1971 c. 336; 1973 c. 134; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 187, 427, 445, 449; 1979 c. 221, 260, 355; 1981 c. 377; 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29 s. 3202 (56); 1985 a. 89, 225; 1985 a. 304 ss. 28, 155; 1987 a. 391; 1989 a. 192, 290; 1993 a. 266; 1995 a. 16 s. 2; 1995 a. 201; 1999 a. 150 s. 672; 1999 a. 182; 2003 a. 24.

SECTION 5. 7.10 (1) (a) of the statutes is amended to read:

7.10 (1) (a) Each county clerk shall provide ballots for every election in the county for all national, state and county offices, including metropolitan sewerage commission elections in districts created under s. 200.23 and in districts where commissioners are elected under s. 200.09 (11) (am), for municipal judges elected under s. 755.01 (4) and for state and county referenda. The official and sample

ballots shall be prepared in substantially the same form as those prescribed by the board under s. 7.08 (1) (a).

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1973 c. 334 s. 57; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 221, 260, 311, 355; 1981 c. 377; 1983 a. 484; 1985 a. 89, 304; 1991 a. 316; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107.

SECTION 6. 7.51 (3) (b) of the statutes is amended to read:

7.51 (3) (b) For ballots which relate only to municipal ~~or~~, school district or metropolitan sewerage district offices or referenda, the inspectors, in lieu of par. (a), after counting the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper over the slots, sign their names to the paper and deliver them and the keys therefor to the municipal or school district clerk or the secretary of the metropolitan sewerage commission. The clerk shall retain the ballots until destruction is authorized under s. 7.23.

or secretary

History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182; 2001 a. 107, 109.

SECTION 7. 7.51 (3) (d) of the statutes is amended to read:

7.51 (3) (d) All absentee certificate envelopes which have been opened shall be returned by the inspectors to the municipal clerk in a securely sealed carrier envelope which is clearly marked "used absentee certificate envelopes". The envelopes shall be signed by the chief inspector and 2 other inspectors. Except when the ballots are used in a municipal ~~or~~, school district, or metropolitan sewerage district election only, the municipal clerk shall transmit the used envelopes to the county clerk.

History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182; 2001 a. 107, 109.

SECTION 8. 7.51 (4) (b) of the statutes is amended to read:

7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her, immediately after the votes are tabulated or counted at each election, shall report the returns of the election to the municipal clerk or to the school district clerk for school district elections, except in 1st class cities, or to the secretary of the

metropolitan sewerage district for metropolitan sewerage district elections. The clerk shall then make the returns public. or secretary

History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182; 2001 a. 107, 109.

SECTION 9. 7.51 (5) of the statutes is amended to read:

7.51 (5) RETURNS. (a) The inspectors shall make full and accurate return of the votes cast for each candidate and proposition on tally sheet forms provided by the municipal clerk for that purpose. Each tally sheet shall record the returns for each office or referendum by ward, unless combined returns are authorized in accordance with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group of combined wards. After recording the votes, the inspectors shall seal in a carrier envelope outside the ballot bag or container one inspectors' statement under sub. (4) (a), one tally sheet, and one poll or registration list for delivery to the county clerk, unless the election relates only to municipal or school district offices or referenda or metropolitan sewerage district offices. The inspectors shall also similarly seal one inspectors' statement, one tally sheet, and one poll or registration list for delivery to the municipal clerk. For school district elections, except in 1st class cities, the inspectors shall similarly seal one inspectors' statement, one tally sheet, and one poll or registration list for delivery to the school district clerk. For metropolitan sewerage district elections, the inspectors shall similarly seal one inspectors' statement, one tally sheet and one poll or registration list for delivery to the secretary of the metropolitan sewerage district. The inspectors shall immediately deliver all ballots, statements, tally sheets, lists, and envelopes to the municipal clerk.

(b) The municipal clerk shall arrange for delivery of all ballots, statements, tally sheets, lists, and envelopes relating to a school district or metropolitan sewerage district election to the school district clerk or secretary of the metropolitan

sewerage district. The municipal clerk shall deliver the ballots, statements, tally sheets, lists, and envelopes for his or her municipality relating to any county, technical college district, state, or national election to the county clerk by 2 p.m. on the day following each such election. The person delivering the returns shall be paid out of the municipal treasury. Each clerk ^{and Secretary} shall retain ballots, statements, tally sheets, or envelopes received by the clerk ^{or secretary} until destruction is authorized under s. 7.23 (1).

History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182; 2001 a. 107, 109.

SECTION 10. 7.53 (3n) of the statutes is created to read:

7.53 (3n) METROPOLITAN SEWERAGE DISTRICT ELECTIONS. In each metropolitan sewerage district created under s. 200.23, the secretary of the district shall appoint 2 qualified electors of the district prior to the date of the election being canvassed who shall, with the secretary, constitute the metropolitan sewerage district board of canvassers. The secretary shall designate a deputy who shall perform the secretary's duties as a member of the board of canvassers in the event that the secretary's office is vacant or the secretary cannot perform his or her duties. The canvass shall begin as soon as possible after receipt of the returns and shall continue, without adjournment, until completed. The board of canvassers may return defective returns to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board of canvassers shall prepare a written statement showing the numbers of votes cast for each person for each office and shall prepare a determination showing the names of the persons who are elected to the metropolitan sewerage commission. Following each primary election, the board of canvassers shall prepare a statement showing the names of persons who have won nomination to the office of metropolitan sewerage commissioner. Each statement and determination shall be attested by each of the

canvassers. The board of canvassers shall file each statement and determination in the metropolitan sewerage district office.

SECTION 11. 7.60 (4) (a) of the statutes is amended to read:

7.60 (4) (a) The board of canvassers shall make separate duplicate statements showing the numbers of votes cast for the offices of president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage commissioners, if in districts created under s. 200.23 or in districts where the commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected under s. 755.01 (4) serves a municipality that is located partially within the county and candidates for that judgeship file nomination papers in another county, the board of canvassers shall prepare a duplicate statement showing the numbers of votes cast for that judgeship in that county for transmittal to the other county. For partisan candidates, the statements shall include the political party or principle designation, if any, next to the name of each candidate. The board of canvassers shall also prepare a statement showing the results of any county, technical college district or statewide referendum. Each statement shall state the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; the number of votes cast for each person; and the number of votes cast for and against any question submitted at a referendum. The board of canvassers shall use one copy of each duplicate statement to report to the elections board, technical college district board or board of canvassers of any other county and shall

file the other statement in the office of the county clerk or board of election commissioners.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 14, 57; 1975 c. 93, 199; 1977 c. 187, 427, 449; 1979 c. 221, 260, 355; 1981 c. 4; 1983 a. 442, 484, 538; 1985 a. 89, 304, 332; 1987 a. 391; 1989 a. 31; 1991 a. 316; 1993 a. 399; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107, 109.

SECTION 12. 7.60 (5) (a) of the statutes is amended to read:

7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver or send to the elections board, by 1st class mail, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge, circuit judge, district attorney, and metropolitan sewerage commissioners, if in districts created under s. 200.23 or in districts where the commissioners are elected under s. 200.09 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on forms prescribed by the elections board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall deliver or transmit the certified statement to the elections board no later than 7 days after each primary and no later than 10 days after any other election. The board of canvassers shall deliver or transmit a certified copy of each statement for any technical college district referendum to the secretary of the technical college district board.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 14, 57; 1975 c. 93, 199; 1977 c. 187, 427, 449; 1979 c. 221, 260, 355; 1981 c. 4; 1983 a. 442, 484, 538; 1985 a. 89, 304, 332; 1987 a. 391; 1989 a. 31; 1991 a. 316; 1993 a. 399; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107, 109.

SECTION 13. 7.70 (3) (d) of the statutes is amended to read:

7.70 (3) (d) When the certified statements and returns are received, the chairperson of the board or the chairperson's designee shall proceed to examine and

make a statement of the total number of votes cast at any election for the offices involved in the election for president and vice president; a statement for each of the offices of governor, lieutenant governor, if a primary, and a joint statement for the offices of governor and lieutenant governor, if a general election; a statement for each of the offices of secretary of state, state treasurer, attorney general, and state superintendent; for U.S. senator; representative in congress for each congressional district; the state legislature; justice; court of appeals judge; circuit judge; district attorney; metropolitan sewerage commission, if in districts created under s. 200.23 or in districts where the commissioners are elected under s. 200.09 (11) (am); and for any referenda questions submitted by the legislature.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 15, 57; 1975 c. 93, 199; 1977 c. 107, 187, 427, 449; 1979 c. 221, 260, 328; 1983 a. 484; 1985 a. 89, 304; 1987 a. 391; 1989 a. 31, 192; 1995 a. 16 s. 2; 1997 a. 27; 1999 a. 150 s. 672; 1999 a. 182. [^]

SECTION 14. 8.10 (6) (f) of the statutes is created to read:

8.10 (6) (f) For metropolitan sewerage commissioners, with the secretary of the metropolitan sewerage district.

SECTION 15. 8.11 (2g)[^] of the statutes is created to read:

8.11 (2g) METROPOLITAN SEWERAGE COMMISSION. A primary shall be held in a metropolitan sewerage district created under s. 200.23 whenever there are more than twice the number of candidates to be elected to the metropolitan sewerage district within any subdistrict.

SECTION 16. 9.10 (1) (a) of the statutes is amended to read:

9.10 (1) (a) The qualified electors of the state, of any county, city, village, town, of any congressional, legislative, judicial, or school district, of any subdistrict within a metropolitan sewerage district created under s. 200.23, or of any prosecutorial unit may petition for the recall of any incumbent elective official by filing a petition with

the same official or agency with whom nomination papers or declarations of candidacy for the office are filed demanding the recall of the officeholder.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109.

SECTION 17. 9.10 (1) (b) of the statutes is amended to read:

9.10 (1) (b) Except as provided in par. (c), a petition for recall of a state, congressional, legislative, judicial or county officer shall be signed by electors equal to at least 25% of the vote cast for the office of governor at the last election within the same district or territory as that of the officeholder being recalled. Except as provided in par. (c), a petition for the recall of a city, village, town, metropolitan sewerage district or school district officer shall be signed by electors equal to at least 25% of the vote cast for the office of president at the last election within the same district, subdistrict or territory as that of the officeholder being recalled.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109.

SECTION 18. 9.10 (2) (d) of the statutes is amended to read:

9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless the petitioner first files a registration statement under s. 11.05 (1) or (2) with the filing officer with whom the petition is filed. The petitioner shall append to the registration a statement indicating his or her intent to circulate a recall petition, the name of the officer for whom recall is sought and, in the case of a petition for the recall of a city, village, town, metropolitan sewerage district or school district officer, a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought. No petitioner may circulate a petition for the recall of an officer prior to completing registration. The last date ~~that~~ on which a petition for the recall of a state, congressional, legislative, judicial or county officer may be offered for filing is 5 p.m. on the 60th day commencing after registration. The last date ~~that~~ on which a petition for the recall of a city, village, town, metropolitan

sewerage district or school district officer may be offered for filing is 5 p.m. on the 30th day commencing after registration. After the recall petition has been offered for filing, no name may be added or removed. No signature may be counted unless the date of the signature is within the period provided in this paragraph.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109.

SECTION 19. 9.10 (3) (a) of the statutes is amended to read:

9.10 (3) (a) This subsection applies to the recall of all elective officials other than city, village, town, metropolitan sewerage district and school district officials. City, village, town, metropolitan sewerage district and school district officials are recalled under sub. (4).

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109.

SECTION 20. 9.10 (4) (a) of the statutes is amended to read:

9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town, metropolitan sewerage district or school district official, is offered for filing, the officer against whom the petition is filed may file a written challenge with the ~~municipal clerk or board of election commissioners or school district clerk~~ official or agency with whom ~~it~~ the petition is filed, specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal to the challenge with the ~~clerk or board of election commissioners~~ official or agency within 5 days after the challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed may file a reply to any new matter raised in the rebuttal within 2 days after the rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency shall file the certificate or an amended certificate. Within 31 days after the petition is offered for filing, the ~~clerk or board of election commissioners~~ official or agency shall determine by careful examination of the face of the petition whether the

petition is sufficient and shall so state in a certificate issued by the official or agency attached to the petition. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, the ~~clerk or board of election commissioners~~ official or agency shall again carefully examine the face of the petition to determine sufficiency and shall attach to the petition a certificate stating the findings. Immediately upon finding an original or amended petition sufficient, except in cities over 500,000 population, ~~the municipal clerk or school district clerk~~ and except with regard to a petition ^{offered for filing} filed against a metropolitan sewerage commissioner, the official shall transmit the petition to the governing body or to the school board. ~~Immediately~~ Except with regard to a petition filed against a metropolitan sewerage commissioner, immediately upon finding an original or amended petition sufficient, in cities over 500,000 population, the board of election commissioners shall file the petition in its office. Immediately upon finding an original or amended petition ^{offered for filing} filed against a metropolitan sewerage commissioner to be sufficient, the secretary of the metropolitan sewerage district shall file the petition in his or her office and shall transmit a copy of the petition to the governing body of each city, village, and town that has territory within the jurisdiction of the metropolitan sewerage ^{COMMISSION} ~~district~~.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109.

SECTION 21. 9.10 (4) (d) of the statutes is amended to read:

9.10 (4) (d) Promptly upon receipt of a certificate or copy of the certificate issued under par. (a), the governing body, school board, ~~or~~ [↓] board of election commissioners, or metropolitan sewerage COMMISSION shall call a recall election. The recall election shall be held on the Tuesday of the 6th

week commencing after the date on which the certificate is filed, except that if Tuesday is a legal holiday the recall election shall be held on the first day after Tuesday which is not a legal holiday.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109.

SECTION 22. 9.10 (7) of the statutes is amended to read:

9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of article XIII, section 12, of the constitution and to extend the same rights to electors of cities, villages, towns and school districts and subdistricts of metropolitan sewerage districts created under s. 200.23. ✓

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109.

SECTION 23. 10.05 of the statutes is amended to read:

10.05 Posting of notice. Unless specifically designated elsewhere, this section applies to villages, towns and school districts and metropolitan sewerage districts. Whenever a notice is required to be published, a village, town or school district or metropolitan sewerage district may post 3 notices in lieu of publication under ch. 985 whenever there is not a newspaper published within the village, town or school district or metropolitan sewerage district or whenever the governing body of the village, town or school district or metropolitan sewerage district chooses to post in order to supplement notice provided in a newspaper. Whenever the manner of giving notice is changed by the governing body, the body shall give notice of the change in the manner used before the change. Whenever posting is used, the notices shall be posted no later than the day prescribed by law for publication, or if that day falls within the week preceding the election to be noticed, at least one week before the election. All notices given for the same election shall be given in the same manner.

History: 1987 a. 391.

SECTION 24. 11.02 (9) of the statutes is created to read:

JWS
12-A

11.02 (9) If the jurisdiction under sub. (3) is a metropolitan sewerage district, the appropriate clerk is the secretary of the metropolitan sewerage district.

SECTION 25. 11.26 (1) (d) 2. of the statutes is amended to read:

11.26 (1) (d) 2. One cent times the number of inhabitants of the jurisdiction ~~or~~ district or subdistrict, according to the latest federal census or the census information on which the district or subdistrict is based, as certified by the appropriate filing officer, but not more than \$3,000.

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109.

SECTION 26. 11.26 (2) (e) 2. of the statutes is amended to read:

11.26 (2) (e) 2. Three-fourths of one cent times the number of inhabitants of the jurisdiction ~~or~~ district or subdistrict, according to the latest federal census or the census information on which the district or subdistrict is based, as certified by the appropriate filing officer, but not more than \$2,500.

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109.

SECTION 27. 11.31 (1) (g) 1. d. of the statutes is created to read:

11.31 (1) (g) 1. d. Candidates for metropolitan sewerage commissioner, \$17,250.

SECTION 28. 17.01 (11n) of the statutes is created to read:

17.01 (11n) By a member of the metropolitan sewerage commission, to the secretary of the metropolitan sewerage district. The secretary shall immediately give a copy of each resignation under this subsection to the elections board and to the county and municipal clerk or board of election commissioners of each county and municipality that has territory within the district.

SECTION 29. 17.13 (intro.) of the statutes is amended to read:

17.13 Removal of village, town, town sanitary district, school district, technical college and district, family care district, and metropolitan sewerage district officers. (intro.) Officers of towns, town sanitary districts, villages, school districts, technical college districts and, family care districts, and metropolitan sewerage districts created under s. 200.23 may be removed as follows:

History: 1971 c. 154; 1977 c. 449; 1983 a. 532; 1993 a. 399; 1995 a. 34, 225; 1999 a. 9.

SECTION 30. 17.13 (3) of the statutes is amended to read:

17.13 (3) ALL OFFICERS. Any officer of a village, town, town sanitary district, school district or, technical college district officer, or metropolitan sewerage district created under s. 200.23, elective or appointive, including those embraced within subs. (1) and (2), by ~~the~~ a judge of the circuit court of ~~the~~ a circuit wherein the village, town, town sanitary district, school district or, technical college district or metropolitan sewerage district is situated, for cause.

History: 1971 c. 154; 1977 c. 449; 1983 a. 532; 1993 a. 399; 1995 a. 34, 225; 1999 a. 9.

SECTION 31. 17.27 (1g) of the statutes is created to read:

17.27 (1g) METROPOLITAN SEWERAGE COMMISSION. Except as provided in s. 9.10, a vacancy in the office of metropolitan sewerage commissioner in any metropolitan sewerage district created under s. 200.23 may be filled by temporary appointment of the remaining members of the commission. The temporary appointee shall serve for the residue of the unexpired term or until a successor is elected and qualified under this paragraph, whichever occurs first. If the vacancy occurs in any year after the first Tuesday in April and on or before December 1, the vacancy shall be filled for the residue of the unexpired term, if any, on the date of the next spring election. If the vacancy occurs in any year after December 1 or on or before the first Tuesday in April, the vacancy shall be filled for the residue of the unexpired term, if any, at the 2nd succeeding spring election.

1ST CS

CS SERVING FIRST CLASS CITY

subsection

SECTION # Am; 17.27 (1m) (title)

17.27 (1m) (title) METROPOLITAN SEWERAGE COMMISSIONS

B

OTHER METROPOLITAN

COMMISSION COMMISSIONS

plain period

CS

CS
Composition of the
commission.

SECTION 32. 200.23 (2) of the statutes is repealed and recreated to read:

200.23 (2) (a) The commission is composed of 11 members who are elected from 11 subdistricts within the district. ✓

(b) Each commissioner shall be a resident of the subdistrict from which he or she is elected. A commissioner who ceases to reside in the subdistrict from which he or she was elected vacates his or her office. ✓

(c) Commissioners shall be nominated by nomination papers. Candidates for the office of commissioner shall specify on their nomination papers the subdistrict number from which they seek office. The terms of commissioners shall be 2 years, beginning on the 2nd Tuesday in July following their election, except ^{that} the terms of the members who are initially elected to office representing even-numbered subdistricts shall expire on the the 2nd Tuesday in July of the first even-numbered year following their election, and the terms of the members who are initially elected to office representing odd-numbered subdistricts shall expire on the 2nd Tuesday of July of the first odd-numbered year following their election.

(d) Commissioners may be removed from office, for cause, as provided in s. 17.13 (3) ✓ and may be recalled under s. 9.10 ✓. Vacancies in the office of commissioner shall be filled as provided in s. 17.27 (1g). ✓

(e) No later than 5 p.m. on the 2nd Tuesday in January, the secretary of the district shall certify to the county clerk or board of election commissioners of each county in which the district is contained the names of candidates who have filed valid nomination papers for the office of commissioner and who ^{are} ~~are~~ eligible to have their names appear on the ballot under s. 8.30. ✓ If any municipality contained within the district prepares its own ballots under s. 7.15 (2) (c), ✓ the secretary shall also certify the names of candidates to the municipal clerk or board of election commissioners

of that municipality. In making these certifications, the secretary shall designate the form of each candidate's name to appear on the ballot in the manner prescribed under s. 7.08 (2) (a). If a primary is held for the office of commissioner within any subdistrict of the district, the secretary shall similarly certify the names of the candidates who have won nomination to the office of commissioner and who are eligible to have their names appear on the ballot in the manner prescribed in s. 7.08 (2) (a). The secretary shall furnish one copy of the type A notice under s. 10.01 (2) (a) to each clerk or board of election commissioners to whom a certification is required. If paper ballots are used at a district election, the secretary shall provide each municipal clerk or board of election commissioners with an adequate supply of ballots for the election at least 22 days before the election. The ~~clerk or board of election commissioners~~ ^{secretary} shall issue certificates of election to persons who are elected to the office of commissioner after each election in the manner provided under s. 7.53 (4).

History: 1981 c. 282; 1987 a. 417; 1999 a. 150 s. 578; Stats. 1999 s. 200.25.

SECTION 33. 200.25 (1) to (4) of the statutes are repealed.

SECTION 34. 200.25 (7) (a) of the statutes is repealed and recreated to read:

200.25 (7) (a) Within 60 days after the municipal governing body of each municipality that is wholly or partly contained within the district enacts an ordinance or resolution under s. 5.15 dividing the municipality into wards, if the ~~population count by block, established in the federal decennial census of~~ ^{population data} municipality is required to do so, or otherwise within 60 days after the ~~necessary~~ ^{population} population data becomes available ~~from the federal government or is published by~~ ^{in printed form for distribution} an agency of this state, the commission shall, by a majority vote of the members of the commission, adopt a revised plan for the apportionment of subdistricts within the district. The subdistricts under the plan shall be assigned consecutive whole numbers beginning with the number one. Each subdistrict under the plan shall

and maps showing the location and numbering of census blocks

consist of contiguous whole wards or municipalities and shall be equal in population insofar as practicable. For purposes of this paragraph, "island territory", as defined in s. 5.15 (2) (f) 3., shall be considered contiguous to the other parts of ^{delete extra space} the municipality to which it belongs. In developing the plan, the commission shall give due consideration to maintaining the compactness of subdistricts, maintaining the integrity of counties and municipalities within subdistricts, maintaining communities of interest within subdistricts, and fostering politically competitive subdistricts. The secretary of the commission shall certify and record an official copy of the plan in the office of the district. The plan shall be effective until the commission adopts a revised plan under this subsection following the next federal decennial census, unless otherwise ordered by a court under par. (b).

SECTION 35. 200.25 (8) of the statutes is repealed.

SECTION 36. 200.27 (1) of the statutes is amended to read:

200.27 (1) QUORUM. Six commissioners constitute a quorum for the transaction of business. ~~If after reapportionment under s. 200.25 (7) the number of commissioners is increased to 12 or 13, 7 commissioners constitute a quorum, If after reapportionment under s. 200.25 (7) the number of commissioners is reduced to 9 or 10, 5 commissioners constitute a quorum.~~

History: 1981 c. 282, 391; 1983 a. 27; 1983 a. 207 s. 95; 1985 a. 29, 49; 1991 a. 39; 1999 a. 150 s. 579; Stats. 1999 s. 200.27.

SECTION 37. Nonstatutory provisions.

(1) Notwithstanding section 200.25 (7) (a) of the statutes, as affected by this act, the initial plan of apportionment of subdistricts within any metropolitan sewerage district created under section 200.23 of the 2001 statutes that is in existence on the effective date of this subsection, based upon the ^{most recent} federal decennial census for the ~~period which includes~~ ^{and} the effective date of this subsection, shall be prescribed in

INS
MES
17-A

EX-2

create auto-ref "A"

2001 stats. 5

~~period which includes~~ ^{and} the effective date of this subsection, shall be prescribed in

accordance with this subsection. For the purpose of implementing an initial plan of apportionment in any such district, there is created a legislative special committee to be called the ~~Joint~~ ~~Committee~~ for Milwaukee Metropolitan Sewerage District ~~Subdistricting~~. The committee shall consist of 5 representatives to the assembly and 5 senators, with 4 members in each house representing the majority party and one member in each house representing the minority party. Members shall be appointed in the same manner as members of standing committees are appointed in their respective houses. Each house shall ensure that at least 3 of the members representing that house represent legislative districts that include territory lying within the metropolitan sewerage district that is being apportioned. The committee shall recommend an initial plan of apportionment of the subdistricts within the metropolitan sewerage district in the form of a bill which shall be introduced by the committee. *The plan shall be based upon the most recent federal decennial census of population on the effective date of this subsection.* In prescribing its recommended plan of apportionment, the committee shall adhere to the same standards that are applicable to a metropolitan sewerage commission in prescribing a plan of apportionment under section 200.25 (7) (a) of the statutes, as affected by this act. Each house of the legislature shall consider the bill within 45 days of introduction. If the bill introduced by the committee is passed by the legislature but does not become law, the committee shall recommend an alternative bill prescribing subdistricts within the metropolitan sewerage district which shall be considered in a like manner. The committee ceases to exist upon enactment of a bill recommended by the committee. *2001 stats.*

(2) Notwithstanding section 200.25 (1) of the 2001 statutes, the terms of office of the members of each metropolitan sewerage commission created under section 200.23 of the 2001 statutes that is in existence on the effective date of this subsection

2001 stats.

shall expire on the date of commencement of the terms of office of their successors
~~chosen~~ ^{elected} under section 200.23 (2) of the statutes, as affected by this act.

SECTION 38. Effective dates. This act takes effect on November 15 following
the effective date of a plan of apportionment enacted under SECTION [X], except as
follows:

- (1) SECTION [X] of this act takes effect on the day after publication.

(END)

use
auto reb "A"

in the
manner
described

use
auto reb "A"

✓ RS 12A

Section #. 11.02 (3) of the statutes is amended to read:

11.02 (3) Except as provided in ~~sub. (3e)~~ ^{sub.} and (9) the "filing officer" for each candidate for local office and for each committee which or individual who is acting in support of or in opposition to any candidate for local office, but not any candidate for state office, is the clerk of the most populous jurisdiction for which any candidate who is supported or opposed seeks office.

~~History: 1975 c. 93; 1983 a. 491; 1985 a. 225, 303; 1999 a. 182.~~

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3055/lins2
JTK.....



Currently, the members of the commission governing a metropolitan sewerage district created by a first class city (currently only the Milwaukee Metropolitan Sewerage District) is composed of not less than 9 nor more than 13 members who are appointed by the mayor of the first class city and an executive council consisting of the chief elective officers of the other cities and the villages and towns that are wholly or partly contained within the district. Members serve for 3-year terms. The allocation of seats between the first class city and the other municipalities is determined on the basis of the relative populations of the first class city and the other territory within the district to the population of the district. Commissioners may be removed by their appointing authorities at any time, and vacancies are filled in the same manner that regular appointments are made.

membership

This bill provides instead for an 11-member commission to be elected by the electors of the metropolitan sewerage district on a nonpartisan ballot at the spring election. Under the bill, each member is elected to represent a subdistrict within the metropolitan sewerage district. A member must reside within the subdistrict from which he or she is elected. Members serve for 2-year terms, with the terms of those members representing even-numbered subdistricts expiring in even-numbered years and the terms of those members representing odd-numbered subdistricts expiring in odd-numbered years. Commissioners may be removed from office by a circuit court for cause and are subject to recall in the same manner as currently provided for municipal elective officers. Vacancies are filled by appointment of the remaining members of the commission until a successor can be chosen at the spring election.

Subdistricts must be equal in population insofar as practicable.

The bill provides for the commission to redistrict the subdistricts on a decennial basis. Under the bill, each reapportionment plan must provide for each subdistrict to consist of whole wards or municipalities. In addition, the commission must give due consideration to maintaining the compactness of subdistricts, maintaining the integrity of counties and municipalities within subdistricts, maintaining communities of interest within subdistricts, and fostering politically competitive subdistricts. However, the bill provides for the initial plan of apportionment of the subdistricts within the metropolitan sewerage district to be prescribed by state law pursuant to the recommendations of a special legislative committee which is charged by the bill with recommending an initial apportionment plan to the legislature. The bill provides that the plan is subject to the same standards that apply to the commission in prescribing a decennial reapportionment plan. Under the bill, the committee consists of 10 members, including 4 members of the majority party within each house and one member of the minority party within each house. Each house must ensure that at least 3 of its appointees represent legislative districts that are wholly or partially contained within the metropolitan sewerage district. The enacted plan remains in effect until the next decennial census.

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

INS
MES
ANL

ten three four

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3055/1dn

JTK.:...
js

Senator Reynolds:

1. This draft fixes the disbursement level (nonbinding spending limit) for the office of metropolitan sewerage district commissioner at \$17,250, which is the same as for the office of representative to the assembly. Substitute a different figure if you wish. ✓

JWS
DIA

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0710/1dn

PJD:kmg:spk

LRB-3055/1dn

JTK:

November 14, 2002

FWS DIA

~~Senator Reynolds:~~

the nonstatutory provision preceding the effective date provision of this draft

2. The language of proposed s. 13.0992 (6) to the effect that a bill or proposed rule-making order for which an economic impact statement is requested may not be heard or reported by a standing committee to which the bill or order is referred until the statement is received, creates a rule of procedure under article IV, section 8, of the constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and it does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

SECTION 8 of this draft stays

the Joint MMSD subcommittee created by this draft must introduce a bill and the respective houses of the legislature must consider the bill within 45 days of introduction

~~FJD~~
Atty. Peter J. Dykman
General Counsel
Phone: (608) 268-7098
E-mail: peter.dykman@legis.state.wi.us

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3055/?insMES
JTK&MES.....

INS MES-ANL

Under current law, the chairperson of the MMSD is elected by the other commissioners for a term specified by MMSD rule, although the chairperson is removable at the pleasure of the commission. Under this bill, the chairperson of the MMSD is elected by the other commissioners for a one-year term, and he or she is still removable during his or her term by a majority vote of the other members of the MMSD.

commission

the chairperson

INS MES 17-A ✓

SECTION 1. 200.27 (3) of the statutes is amended to read:

200.27 (3) CHAIRPERSON. ^{a Commission's} At ~~the~~ first meeting after an election ^{of commissioners} the terms ^{of whom} for ~~which~~ begin on the 2nd Tuesday in July, the commission shall elect one commissioner as chairperson of the commission for a one-year term specified by rule by the commission ^{The term shall} beginning on the date ^{he or she} is elected ^{and shall end one year later} and ending on the date on which a successor is chosen. The chairperson is removable ~~during his or her term~~ at pleasure by ~~a majority vote of the members of the commission who constitute a quorum and who are present at the meeting at which the vote occurs.~~ ^{if a} The chairperson shall preside over the meetings of the commission and shall perform other duties imposed upon the chairperson by this subchapter or assigned by the commission. The commission may also appoint a vice chairperson who may exercise the powers and shall perform the duties of the chairperson in the absence or disability of the chairperson.

elected

Stat

ifa

History: 1981 c. 282, 391; 1983 a. 27; 1983 a. 207 s. 95; 1985 a. 29, .991 a. 39; 1999 a. 150 s. 579; Stats. 1999 s. 200.27.

except that if a successor has not been elected ~~at~~ by the end of the chairperson's term, the term

At upon the expiration of ~~his or her~~ ^{the} ~~chairperson's~~ ^{successor's} term shall end

At a commission's first meeting after an election of commissioners, the terms of whom begin on the 2nd Tuesday in July, the

no comma here

SECTION 1. 200.27 (3) of the statutes is amended to read:

200.27 (3) CHAIRPERSON. one-year The commission shall elect one commissioner as chairperson of the commission, for a term specified by rule by the commission. The chairperson is removable at pleasure by the commission. The chairperson shall preside over the meetings of the commission and shall perform other duties imposed upon the chairperson by this subchapter or assigned by the commission. The commission may also appoint a vice chairperson who may exercise the powers and shall perform the duties of the chairperson in the absence or disability of the chairperson.

History: 1981 c. 282, 391; 1983 a. 27; 1983 a. 207 s. 95; 1985 a. 29, 49; 1991 a. 39; 1999 a. 150 s. 579; Stats. 1999 s. 200.27.

a majority vote of the members of

if a quorum is present at the meeting at which the vote occurs

LPS: the treatment of s. 200.27 (3) should look like this.

↓
① The term shall begin on the date the chairperson is elected and shall end one year later, except that if a successor has not been elected by the end of the chairperson's term, the term shall end on the date on which a successor is elected

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3055/1dn
JTK:cjs:ch

November 12, 2003

Senator Reynolds:

1. This draft fixes the disbursement level (nonbinding spending limit) for the office of metropolitan sewerage district commissioner at \$17,250, which is the same as for the office of representative to the assembly. Substitute a different figure if you wish.
2. The language of the nonstatutory provision preceding the effective date provision of this draft, to the effect that the Joint MMSD Subdistricting Committee created by this draft must introduce a bill and the respective houses of the legislature must consider the bill within 45 days of introduction, creates a rule of procedure under article IV, section 8, of the constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and it does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778