

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2956/1dn
MES:bjk:ph

June 1, 2009

Representative Vos:

As you can see in this draft, the current law which applies to metropolitan sewerage district commissioners contains provisions relating to per diem payments, and reimbursement for actual expenses incurred, in both s. 200.09 (1) and (7). I deleted the provisions in sub. (1) and left the provision in sub. (7). Oddly, the reimbursement for actual expenses incurred by a commissioner is permissive in sub. (1), "Commissioners may be reimbursed..." while the similar provision is mandatory in sub. (7), "Commissioners shall be reimbursed..."

I have no idea how or why this happened. By deleting the provision in sub. (1), reimbursement for actual expenses incurred while carrying out the work of a commission is now without a doubt mandatory, which is consistent with the treatment of Milwaukee Metropolitan Sewerage District commissioners. See s. 200.25 (6). My guess is that even under these inconsistent statutes, reimbursements are mandatory under the canon of statutory interpretation which holds that a more specific statute trumps a less specific statute, although I have not checked with any sewerage districts to confirm that this is their practice. Please let me know if this treatment of s. 200.09 (1) and (7), or the initial applicability provision, is not consistent with your intent.

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